RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

VOL. 32

1768 - 1770

MICROFILMED
BY
WM. L. MCDOWELL

B. P. R. O. B. T. Journals Vol 76.

Friday 22nd January 1768

At a Meeting of His Majesty's Comm^rs for Trade and Plantat^ns

Present

Lord Clare. Mr Jenyns Mr Fitzherbert
Mr Rice Mr Robinson

. . . .

So Carolina Copy of an Order in Council dated June 26th 1767 repealing an Act passed in the Province of South Carolina in August 1765 "for "establishing a parish in Berkley County by the name of St Matthew &c

. . . .

Tuesday 12 April 1768

So Carolina Letter from Lord Charles Greville Montagu Governor of the province of South Carolina to the Board dated 10th November 1767 relative to insurrections of the people in the interior parts of that province. Journals of the Commons House of Assembly from 11 Nov 1766 to 28 May 1767

. . . .

Wednesday 6th July 1768

So Carolina An Act passed in the Province of South Carolina in April 1768 relating to Sheriffs. Journal of the Council 1 Jan 1767 to 1 Jan 1768

. . . .

Wednesday 3rd Augt 1768

So Carolina Their Lordship then read and considered the following Laws together with Sr Matthew Lamb's Reports thereupon. Viz. An
(Act)

Act passed in South Carolina in 1767 for abolishing the office of provost Marshal and appointing Sheriffs &c Ordered that the provost Marshall Act be postponed for further consideration, in order that the agent may if he thinks fit be heard upon it.

. . . .

Wednesday Augt 10th 1768

So Carolina — The Agent for South Carolina attending upon the subject of the Act passed in that province "for abolishing the Office of provost Marshal appointing Sheriffs and for other purposes" he was heard in what he had to offer in support of the said Act, and being withdrawn their Lordships upon full consideration of the said Act, Ordered that the draft of a Representation to His Majesty thereupon should be prepared.

. . . .

Thursday 15th September 1768

So Carolina — The draft of a Representation to His Majesty upon the Act passed in the province of South Carolina "for abolishing the Office of provost marshall appointing Sheriffs and for other purposes." having been prepared pursuant to order, was approved, transcribed and signed.

. . . .

Monday 24th October 1768

So Carolina — Duplicate Letter No. 1 from Willm Bull Esq Lieutenant Governor of South Carolina to the Board dated 30 May 1768 informing their Lordships of his having taken upon him the Administration of the Government on the departure of Lord Charles Greville Montagu

(Letter)

Letter No 2 Lieut Gov.r Bull to the Board dated 18 July 1768, contai-ning remarks on two Laws lately passed in So Carolina, and the Temporary Line of Jurisdiction between that province and No Carolina Letter No 3 from Lieut Gov.r Bull to the Board dated 20 July 1768 signifying his Intention to dissolve the Assembly and call a new one Letter No 4 from Lieut. Gov.r Bull to the Board dated 15 Aug.t 1768 promising to comply with the directions contained in the Earl of Hillsborough's Letter relative to transmitting an Account of Manu-factures set up in that province since 1734. Record of Grants made in So. Carolina from 7th Jan.y to 13 May 1768 Journals of the Com-mons House of Assembly of So. Carolina from 3 Nov. 1767 to 12 April 1768. Sixteen Acts passed in April 1768.

. . . .

Thursday 3rd Nov 1768

So Carolina Read a Letter No 5 from Wm Bull Esq Lieutenant Governor of South Carolina to the Board dated 6th Sept 1768 containing an Account of the Manufactures set up, and carried on in that province since the year 1734

. . . .

B. P. R. O. America and West Indies. Vol 224

Whitehall 20th February 1768

To Lord Charles Montagu

My Lord

Since the Earl of Shelburne's letter to you of the 8th of November last your Letters to his Lordship of the 14th of August, 5th and 8th of October, 10th of November and 14th of December have been received and laid before the King. The dutiful behaviour of the Assembly of South Carolina in cheerfully making provision for Quartering His Majesty's Troops and complying what has been required of them, has given His Majesty the fullest satisfaction and it is with Pleasure His Majesty observes the happy effects of such Union and mutual confidence, in the improving State of the Commerce of the important province under your Command. As what has passed relative to the Custom House and to the conduct of the Collector is a matter more particularly under the Cognizance and direction of the Treasury, I have transmitted to their Lordships a Copy of your Letter upon this subject of the 5th of October No 6. I have also transmitted to that Board an Extract of so much of your letter of the 14th of August, as relates to the Quit Rents which is also a matter that is more particularly in that department. It was a great satisfaction to His Majesty to observe by your Lordships letter of the 14th of December, that the disturbances on the Frontier Settlements had subsided and His Majesty trusts that the measures which you say the Assembly is taking for establishing a due Administration of Justice and for forming proper Regulations in the interior

(par 1)

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part of the Country, will have the effect to restore perfect Quiet and Satisfaction, and render unnecessary any further exertion of Military Force. Having had the honor to lay before the King your Lordships recommendation of Mark Nettles and Thomas Floyd, condemned for Murder I have the satisfaction to inform You that His Majesty has been graciously pleased to extend his Royal Mercy to them by granting them a free pardon and I inclose your Lordship an attested Copy of the said pardon (the original of which has been transmitted as usual to the Recorder of London) that you may carry the same into Execution according to the practice in former cases of that Nature.

I am &c

Hillsborough.

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B. P. R. O. America & West Indies Vol 224

Treasury Chambers 9 Mar 1768

To Richard Phelps Esq.

Sir

Having laid before the Lords Commissioners of His Majesty's Treasury your letter inclosing the Copy of one from the Governor of So Carolina, relative to the Custom House there and the conduct of the Collector, and also an Extract from another letter from that Governor concerning His Majesty's Revenue of Quit Rents I am directed to acqu! you for the information of the Earl of Hillsborough that my Lords will very speedily take into consideration the conduct of the Collector of the Customs at So Carolina. With regard to the Quit Rents due to His Majesty in that Province My Lords have transmitted a Copy of the Extract from the Governors' Letter to the Auditor General of the Plantations. I am Sir

Your most humble Servant

Thos Bradshaw

B. P. R. O. America & West Indies Vol. 224

Charles Town 25 March 1768

To the Earl of Hillsborough

My Lord

The death of the Chief Justice has prevented my complying with His Majestys pleasure signified to me in your Lordships letter of the 8th of October which I did not receive until the 25th of February by the Grenville packet. In justice to my own sentiments to which nothing can be more contrary than the condemning a man without hearing his defence, I must beg leave to say that so far was it from my intentions or those of the Council to condemn the Chief Justice unheard that he had his option given him in what manner he would make his defence and at his request was indulged with a longer time to make it than he at first desired. The memorial he gave me I understood him was his defence and the Attorney General and the Council deemed it as such as he did not apply to be heard in any other manner. I am My Lord

Your Lordships most humble Servant

C. Montagu

B.P.R.O. America and West Indies

Whitehall 5th May 1768

To Lord Charles Greville Montagu

My Lord

I have laid before His Majesty your Lordships desire to have leave to return to England for a short time for the Recovery of your health and have the pleasure to inform you that the King is grac-iously pleased to Grant your request. Your Lordship will make use of the Liberty, if your Physicians shall think it necessary, otherwise I presume you will choose to remain within Your Government. in the first case you will make over the charge of your Government in the manner directed by your Instructions to William Bull Esq the Lieut Governor of South Carolina, or in case of his death to such other per-son as will in course be entitled to succeed your Lordship in the command of that province. and it is his Majestys pleasure that you deliver to the Lieutenant Governor or in case of his death to such other person a Copy of your Instructions; together with all Letters and papers which may be necessary or useful for his guidance and in-formation in the Execution and discharge of that important Trust

I am &c

Hillsborough

B. P. R. O. America & West Indies Vol 224

Whitehall 12 May 1768

To the Governor of South Carolina

My Lord

Your Lordships Letter to the Earl of Shelburne was received at my office on the 29th of last month and laid before His Majesty. The vacancy occasioned by the demise of the Chief Justice will be filled up as soon as a fit and able person can be found. His Majesty does not doubt of your Lordships' having the greatest regard to Justice, but as the suspension of Officers in so high Employment as that of Chief Justice is of public inconvenience, and a lessening of their Weight and Authority, His Majesty thinks his Governors should not exercise that power over such, except in cases that, upon the maturest enquiry and examination appear to render it absolutely necessary

I am &c

Hillsborough

B. P. R. O. America & West Indies Vol 224

No 1. Charles Town 13 May 1768

To the Earl of Hillsborough

My Lord

I had the honor of Your Lordships letter in which you signified that His Majesty had been pleased to commit to you the care of all Business relative to America. in consequence of which I shall in future address all my despatches to you, and shall be always attentive to communicate to you the earliest notice of any thing material that may happen in this Province. I beg leave to add that if his Majesty was pleased to appoint a packet to come directly from England to Charles Town without stopping at any other port. it would be a great means of promoting the despatch of public Business and be of the greatest use to the individuals here. By the Duncannon packet I have transmitted to you the Journals of the Council. and a Bill for appointing Courts of Judicature in this Province. I am My Lord

Your Lordships most humble servant

C. Montagu.

No 2. Charles Town 13th May 1768

My Lord

In consequence of his Majestys command signified in your Letter, I should immediately have sent you a Collection of the

(Laws)

Laws of this province had it been possible to obtain a complete one The assembly of this province have ordered the Laws to be digested and reprinted and have granted a sum of money for that purpose this Work is already begun and when it is completed I will take care to send a collection Authenticated under the public Seal, I am My Lord

Your Lordships most humble Servant
C. Montagu.

No 3 Charles Town 13th May 1768

My Lord

The disturbances in the Frontier settlements are at present entirely subsided, and several of the Offenders have been punished I must now beg the favor of you to represent to His Majesty, that having been advised by Physicians to go to some of the Northern Colonies for the recovery of my health I propose in consequence of the Liberty given me by my ninety sixth Instruction setting out for New York some time this month, in the meantime the Administration of Public Business will devolve to Mr Bull Lieutenant Governor, I am My Lord

Your Lordships
Most humble Servant
C. Montagu

B P R O B T South Carolina Vol 22
O. 3

Charles Town 30th May 1768

To the Right Honble The Lords Commrs for Trade & Plantns

My Lords

On the 20th instant His Excellency the Right Honble Lord Charles Greville Montague our Governor in Chief embarked on board His Majestys Ship Towey, for Philadelphia for the recovery and re establishment of his Health in His Majestys Northern Colonies intending to return in the Fall, whereby the Administration of the Government of this Province is once more devolved on me for a short interval. As our province continues in the same state in which it was when Lord Charles embarked I have nothing to mention to your Lordships on that subject at present but to entreat Your Lordships to be assured that I shall give my utmost attention to every occurrence in this Province which concerns His Majestys service and lay before your Lordsps every matter relative thereto that may merit your Lordships notice.

I have given orders that Copies of the Seventeen acts of General assembly to which Lord Charles gave his assent a few weeks ago shall be got ready to be forthwith transmitted to your Lordships in obedience to His Majestys Instructions I have the honor to be with the greatest respect. My Lords

Your Lordships most obedt & most humble Servt

William Bull

Recd 12 Sept } 1768
Read 24 Oct }

B. P. R. O. America and West Indies Vol 224

Whitehall 12th July 1768

To the Governor of South Carolina

My Lord

I have received Your Lordships despatches addressed to me No. 1. 2 and 3 and have laid them before the King. and have nothing at present in Command from his Majesty to signify to your Lordship. I have recommended the establishing a packet to sail directly to Charles Town and understand that Establishment will take place. I am extremely sorry your Lordships ill state of health requires your leaving your Government, but it must be a satisfaction to you. and is a very pleasing consideration to the King that the Administration devolves upon Lieutenant Governor Bull, of whose ability in the faithful discharge of his duty. His Majesty has already had experience

I am &c.

Hillsborough

B. P. R. O. B. T. South Carolina Vol 22

O. 2

Charles Town 18th July 1768

To the Earl of Hillsborough

My Lord

By his Majesty's Grantham packet I have transmitted with the Authentication of the Broad Seal to the Right Honble The Lords Comm^{rs} for Trade and plantations Copies of the seventeen Acts of the General assembly to which His Excellency the Right Honble Lord Charles Greville Montague our Governor gave his Assent last April. As there are only two of them which I conceive contain any matter that is necessary for your Lordship's particular Notice I shall not trespass upon Your Lordships time with any observations except on those two. The first is the "Act for establishing Courts building Goals and appointing Sheriffs "and other Officers for the more convenient administration of Justice "in this Province" This Act my Lord establishes five Circuit Courts one at the port of George Town - one at Port Royal on the Sea Coast and three others in the Inland parts. it appoints Sheriffs in lieu of the Provost Marshall, which is done in consequence of His Majesty's most gracious Instructions impowering the Governor to give his Assent to a Law for the last mentioned purpose and provides a Compensation to the present patentee of the Provost Marshall's Office and it is passed with a saving Clause to restrain the Operation till the King shall be pleased to signify his Royal Approbation thereof. In Order to shew Your Lordship that such an Act was not only expedient

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but necessary. I beg leave to represent to your Lordship that there is at present in this Province but one Court of Judicature in all Civil and Criminal Matters, which is holden in Charles Town, though the settlements extend about 100 miles to the North, as much to the South and 250 Miles to the Westward. From hence it appears to your Lordship what difficulties must attend those who live remote from Charles Town, in the Recovery of small Debts, in conveying Criminals to Goal in prosecution or defence for small Offences and trifling Assaults & Batteries whereby they are in a great measure deprived of the Benefit and protection of the Law. Your Lordship will please to permit me to give my opinion that the want of such Courts which might have checked the begining of disorders and would have punished Crimes near the scene of their perpetration was a principal cause of some late irregular and tumultuous proceedings in the North West part of this Province, and that the carrying the distribution of Justice near their homes, from the Awe as well as the Utility thereof, would be a means of securing the Peace and Tranquillity & promoting the prosperity in the remote parts of the Province. under such circumstances of distress your Lordship's humanity will be the most powerful advocate the province could wish to use your successful Intercession with His Majesty to obtain the Royal Approbation of this Act altho' it is possible as this is the first Act of the Kind passed in this Province some imperfections may appear to your Lordship's superior sagacity which have escaped the

(attention)

attention of our Legislature and would not be discovered here but in carrying the Law into execution such, as has been the practice of these Assemblies, may be best amended afterwards. There is one matter which the subject of the Courts, as it concerns the extent of Jurisdiction, leads me to mention to your Lordship. If your Lordship should think me premature therein, I most humbly entreat your Lordship's pardon, relying upon the favorable construction which your Lordships known goodness will give to well meant intentions. It is this, the temporary line of Jurisdiction between this and the Northern province (which in obedience to His Majesty's Commands I caused to be run in conjunction with Comm^rs from No Carolina in 1764, a Copy whereof I had the honor of laying before the Right Honble the Lords Comm^rs for Trade and plantations the following Winter) begins at the Sea Coast and stops at the Wateree or Catawba River. But I am to represent to your Lordship that there are very populous settlements lying to the Westward of that River, where for want of a line being appointed by His Majesty, the Jurisdiction of Courts, Collection of Taxes and His Majestys Quit Rents, surveying of Lands, Militia and other duties are all in a state of uncertainty which occasions great inconveniencies to the Settlers and great disputes between them and the Officers who are to enforce the execution of those duties as well as between the two Provinces. If your Lordship will indulge me with your patience and pardon, I would take the liberty of suggesting an idea to your Lordship, which is that a River called

(the)

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the South Branch taking its source in the Cherokee Mountains. after running a Course generally Eastward mixes its Waters with the Catawba River about 16 or 18 Miles North Westerly above where the line of 1764 intersects the Catawba River. The Second Act upon which I am to make any observation to your Lordship is the "Act for "establishing a parish in Berkeley County by the name of St. Matthew "and for declaring the Road therein mentioned to be a Public Road" As His Majesty was pleased to repeal an Act lately passed for establishing a parish by the name of St. Matthew whereby an addition was made to the number of the General Assembly. it becomes necessary that I should inform your Lordship that the present Act gives the parish of St. Matthew a Right to be represented in the General Assembly. but that the Member is taken from another parish viz. that of St. James Goose Creek which hereafter sends one less than formerly. Though the attention which Lord Charles Montagu shews upon all occasions where the service of His Majesty or the Province are concerned leaves me no room to doubt of his Lordship's having already acquainted Your Lordship with these matters, yet as it is possible during the hurry of business in which his Lordp must be engaged on the point of his embarking for the Northern provinces. may have left anything not fully represented. according to his Lordship's usual exactness I have given your Lordship this prolix account. if it is superfluous your Lordship will be pleased to impute it to my Zeal for giving particular Account of every

(matter)

matter necessary for Your Lordship's notice relative to His Majesty's service

I have the honor to be &c &c

William Bull

Read 24 Oct 1768

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B. P. R. O. America and West Indies Vol 224

Charles Town 19 July 1768

To the Rt Honble The Earl of Hillsborough

My Lord

On the 27th of last month by His Majesty's Grantham Packet I was honored with your Lordships letter to the right Hon. Lord Charles Montagu dated 23rd of January last requiring a compleat collection of the Laws of this Province either in print or manuscript In answer to which I am to acquaint Your Lordship that a compleat set of our printed Laws is not now to be obtained It was with great difficulty I procured and transmitted to the Right Honorable the Lords of Trade a printed Collection about 4 years ago And as copies of our printed Laws were not only become so scarce. but very Voluminous by containing many probationary and occasional Laws that were now expired repealed or obsolete. which would cause much perplexity and difficulty to any person who should peruse them in their present state. The Assembly last Winter voted the sum of One thousand pounds sterling as an encouragement to the digesting and printing them. which Work is now diligently carrying on by a Gentleman of the Law of this Province and will be published next Winter. As such an Edition will answer His Majesty's intention of having a View of our Laws for the better carrying on his Majestys service relative to American affairs with more perspicuity and facility than a Manuscript collection

I flatter myself that Your Lordship will be better pleased with that than a Manuscript Copy which not only will require much time but it is feared some errors may creep into so long a Manuscript Work which are more safely prevented in correcting the proof. As His Excellency Lord Charles Montagu will by that time be returned to the Administration of this Province. his Lordship will have the honor of transmitting to Your Lordship by the earliest opportunity a Copy of this New Edition bound up and authenticated under the Broad Seal of this Province. It is more than probable that his Lordship's attention to His Majestys Commands may have already acquainted Your Lordship with the state of this Matter but I thought it my duty nevertheless to say this much to your Lordship on this subject. rather than on that supposition by my silence run any risk of your Lordships not being fully informed. I have the honor to be with the greatest respect My Lord

Your Lordships

Most obed.t and Most humble Servant

Wm. Bull

B. P. R. O. B. T. South Carolina Vol 22
O. 5

Charles Town 20th July 1768

To the Right Honble

The Lords Commrs for Trade and Plantations

My Lords

Since I had the honor of writing to your Lordships I have received a Copy of the latest Journals of the Assembly and transmitted them by the Grantham packet to your Lordships As the General Assembly stands prorogued to the middle of September next and the Triennial Term of their existence expires soon after I purpose to exercise the Royal prerogative of dissolving them a few days before and shall immediately call a new Assembly to be ready for business against the return of Lord Charles Montague to his Government I have also received from the Secretary the last half Yearly list of Land Grants passed in this Province continued in obedience to His Majesty's particular Instructions which I transmit by the same conveyance to your Lordships. I have the honor to be with the greatest respect

My Lords

Your Lordships

Most obedient and most humble Servant

William Bull

Recd 12 Sept } 1768
Read 24 Oct }

B. P. R. O. America and West Indies Vol 224

No. 5. Charles Town 20th July 1768

My Lord.

After I had closed up my Letter No. 4 to Your Lordship I was honored with a packet from Your Lordship containing a packet for Governor Wright of Georgia, which I forwarded to him by express immediately, and a packet for Mr Stuart His Majestys Agent and superintendant in the Southern District which I sent to him in Charles Town and letters from your Lordship to the Governor of this province No. 5 with the opinion of his Majestys Attorney and solicitor General concerning the Statute of the 12th of Queen Ann. No. 6, signifying His Majesty's pleasure concerning the future arrangement of Indian Affairs with the Report of the Right Honble the Lords Commrs of Trade to His Majesty on that subject and a New Map of His Majestys dominions in No. America. No. 7 with His Majestys commands relating to the Circular Letter from the Speaker of the House of Representatives at Boston and a copy of the said Letter. No. 8 concerning Melchideza Kinsman charged with the Murder of Odgers. an Officer of his Majesty's Customs in Cornwall and the letters and affidavits relative thereto. No. 9 relating particularly to Lord Chas. Montagu this I shall transmit by the first safe opportunity to his Lordship at New York There was also a letter from Mr Phelp by Your Lordships' command transmitting 5 Acts of the Parliament of (Great)

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Great Britain relative to America. As His Majestys Grantham packet is to sail with the first fair Wind I cannot at present say any more than intreat your Lordship to be assured that during the short time which the Administration will remain in my Hands I shall exert my best endeavours to carry his Majestys Royal Commands into Execution and transmit by the earliest opportunity any intelligence or information I receive concerning them which may merit Your Lordships' attention. I have the honor to be with the greatest respect My Lord

Your Lordships

Most Obedient and Most humble Servant

Wm. Bull

B. P. R. O. B. T. South Carolina Vol 22

O. 1 22 July 1768.

To the Right Honorable the Lords Comm.rs for Trade and Plantations

My Lords

In pursuance of your Lordships commands signified to me by Mr Pownalls letter, wherein you are pleased to desire my opinion in point of Law upon the following Act passed in South Carolina in April 1768 I have perused and considered the same (Viz!) An Act for establishing Courts, Building Goals and appointing Sheriffs and other Officers for the more convenient Administration of Justice in this Province. This Act has a suspending Clause in it, which is very fit it should have, as great alterations are thereby made in the Constitution and proceedings of the Courts of Law in this Province. There are very many useful things contained in it, which will be for the ease and benefit of the people there. But there are some particulars which I think necessary to represent to Your Lordships, not knowing what previous Instructions or directions were given for making such alterations by Act of Assembly.

There is a Clause that Impowers the Judges in their Circuit Courts to determine without a Jury in a Summary way all disputes cognizable in the said Courts, for any sum not exceeding Twenty pounds Sterling. This is a large Sum to be determined in that way, and in some of the provinces objections have been made to acts that were extended to much less Sums. By this Act the Office of Provost Marshal of this Province is for ever abolished, and Sheriffs are to be appointed

(for)

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for the several districts who are to Execute all process. and do all other acts as are done by Sheriffs in Great Britain. The Office of Provost Marshal being held by patent from the Crown. I must presume some directions may have been given to authorize the abolishing the same. and taking away the Right of the Crown as well as the making satisfaction to the patentee without which this Act would have no Color to be confirmed. next follows a Clause in this Act which I cannot Imagine was inserted by any directions. and is in no ways necessary for the Execution of any other part of the Act It is the providing Salaries for the Chief Justice and Justices of this Province whenever it shall please his Majesty to appoint them during their good behaviour I am at a loss to account for the inserting here such a Conditional provision for the Judges and why a supposition should be introduced into an Act of Assembly of such Appointment. Nothing at present calls for it. and if at any time it should. it would then be time enough to make such provision and Instructions be given for that purpose. I must therefore submit to your Lordships whether it is not derogatory to His Majesty's dignity the confirmation of this Act with such a Clause which purports a sort of a stipulation or proposal to obtain what they want which they should apply for in some other way than by tacking it to an Act that dont require it There is a salary provided for the Att^y Genl and Clerk of Common pleas. but goes no further than to those present officers and not to any future I have observed the Material things in this Act and must submit the confirming the same to your Lordships judgment and am My Lords. Your Lordships
most obed^t humble servant
Mat: Lamb.

Rec^d 26 July 1768.

B P R O B T South Carolina Vol 22

O.6

Charles Town 15 August 1768

To the Right Honble The Lords Comm^rs for Trade and plant^ns

My Lords

I am to acquaint Your Lordships that His Majesty's packet Maria Theresa had the misfortune to be lost on her passage from pensacola at the Martyres near Cape Florida on the 28th of last month, where the Master luckily met with a small Bahama Vessel and arrived here with the Mail the 8th instant, by which I had the honor to receive from the Right Honble the Earl of Hillsborough His Majesty's principal Secretary of State for America his Lordships letter to Lord Charles Montagu dated 20th Feby 1768 with a copy of the Address to His Majesty from the House of Commons on the 27th March 1766 signifying His Majesty's commands in consequence thereof that Lord Charles Montagu should transmit to your Lordships a particular and exact account of the several Manufactures which have been set up and carried on in this Government from the year 1734 and of the public encouragements that have been given thereto. As Lord Charles Montagu is not and perhaps may not be returned to his Government within a month or two I beg leave to assure your Lordships that I shall lose no time in preparing and transmitting to your Lordships the best and most exact account according to His Majesty's commands that I am able I have the honor to be with the greatest respect My Lords, Your Lord^ps most Obed^t & most humble Servant

William Bull

Rec^d 11 Oct. } 1768
Read 24 . }

B P R O America and West Indies Vol 224

No 7 Charles Town 16 August 1768

To the Rt Honble The Earl of Hillsborough

My Lord

I have the honor to acquaint your Lordship that in consequence of the new Arrangement which His Majesty has been pleased to make in America signified in your Lordships' letter No 6 to Lord Charles Montagu on the 19th of last month I received a Letter from his Excellency General Gage acquanting me with his orders to Captn Fuser commanding three Companies of Royal Americans in So Carolina and Georgia to abandon the Forts garrisoned by His Majestys Troops and to embark them for New York to Join their Battalion directing Captn Fuser to consult with the Governor on the disposal of the Forts in this Province before he evacuates them. I think it my duty to acquaint your Lordship with my proceeding thereon, and also in regard to the Regulation of the Indian Trade. The American Provinces have great cause to acknowledge his Majestys goodness in being graciously pleased to place such confidence in their Legislature as to leave the Regulation of the Indian Trade to their prudence and discretion. In our warm climate the present being the most inconvenient season on account of the heat, and there being no imminent danger which threatens the safety of our Province, a full House of Assembly could not be expect, especially as their triennial term is near expiring. I therefore thought proper to defer a

(matter)

matter of so great importance until the meeting of the New Assembly. for I do not apprehend any detriment to the Public from this short delay. With regard to the evacuation of the Forts. as Fort Charlotte had so lately built of Stone. and Fort Prince George lately repaired at the Expence of this Province I was unwilling at present to determine upon dismantling them which General Gage suggested. but, that Capt.n Kiser might meet with no delay from me in executing the Generals' orders I immediately appointed a Gentleman much esteemed by the Cherokees to be Captain of Fort Prince George to take charge of any Provincial Stores which Ensign Keogh now commanding at that Fort might leave and to hire two or three men to assist therein. which will be sufficient to prevent any damage until the future destination of this Fort can be determined when the general regulation of the Indian Trade is under the deliberation of the legislature. I gave the like orders to the nearest Colonel of Militia with regard to Fort Charlotte. And lest the Indians should express any uneasiness at withdrawing the Kings Troops from their Country as a mark of the Royal Displeasure I instructed the Captain of Fort Prince George to acquaint them that his Majesty was so well satisfied with the sincerity of the profession of Friendship made by them that His Majesty thought it needless to keep soldiers any longer there. and that I had appointed their friend to take care that no disorderly white man should burn it. I have the honor to acquaint your Lordship that about sixty men that were in our Barracks in Town embarked 10 days ago for New York. and that the Garrisons from the Out Posts. about 70 in number are expected in Town

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the end of this week and will embark for New York the next in His Majty
Ship Tovey. I have the honor to be with the greatest respect My Lord

Your Lordships

Most Obedt. and Most humble Servant

Wm. Bull

B. P. R. O. B. T. South Carolina vol 22

O. 8

Charles Town 6th Sept. 1768

To the Right Hon ble The Comm rs for Trade and Plantations

My Lords

In obedience to His Majesty's commands signified by the Rt Hon ble The Earl of Hillsborough his Majesty's principal Secretary of State for America in his Lordships letter to Lord Charles Montagu Governor in Chief of this Province requiring a particular and exact account of the several Manufactures which have been set up and carried on in this Province from the year 1734 and of the public encouragements that have been given thereto. which, in the absence of Lord Charles Montagu for recovery of his health. came into my hands the 8th of August last. I have now the honor to transmit to your Lordships the fullest information I have been able to procure. Upon the most particular enquiry I cannot learn that any Manufactures have been set up in this Province except three Rope Walks and two Houses for Baking and refining Sugar. and after the most diligent search into Our Records I cannot find that any Public encouragement hath ever been given to any Manufactures. altho in some of our Laws the term Manufacture hath been applied perhaps improperly to the raising Silk, Hemp and Indico. One of the Rope Walks was set up near Charles Town twenty years ago in order to have Assortments of Cordage for Shipping, and on receiving some unfavorable Accounts of Sales of Hemp sent to London two other Rope Walks have lately been set up. One Sugar House was set up about eighteen years ago and the other (about)

ten these are all carried on at the private Expence of the Proprietors without any pubic encouragement given them. Looms it is true are to be seen in almost every house in our Western settlements. wher most of the Inhabitants being Emigrants from the Northern Colonies have been accustomed to employ some part of their time in weaving coarse Cloths of Flax. Cotton and Wool for their own Families. The frequent captures of our Shipping in the Spanish and French War in 1744 raising the Insurance to and from this place to 33 ℔ cent. whereby the price of our Rice which communibus annis 6^s. 6^d Sterling the hundred sank so low that one hundred weight of Rice was often bartered for a Yard of coarse Welsh plains that cost in England 12^d or 14^d the Yard. The Peopee of Carolina were driven by this distress to the necessity of weaving coarse cloths of Cotton and Wool for their Negroes. But in this Calamitous situation the assembly did not encourage Manufactures. but bent their thoughts to the Improvement of Agriculture. and gave a Bounty of 9^d Sterling for every pound of Indico raised in this Province. and bounties for the raising silk. Wine. Oil. Barley. Wheat. Hemp. Flax. Cotton. Indico. and Ginger. Soon after this Peace restored our Trade. and brought it into its usual Course. and the generous bounty given by Parliament to the making Indico gave fresh Vigor to our Industry. All home made cloths were then laid aside and at this day above five hundred thousand Yards of Welch plains are consumed yearly in this Province chiefly in clothing our negroes. We have no Glass House. paper or Fulling mill in the Province. the only Mills erected here are Saw

(Mills)

Mills. Grist and Bolting Mills for Flour and Mills for pounding Rice. public rewards have been given at Various times for improvements made in the latter from principles both of humanity and interest in preventing the loss of Negroes by such heavy labor. To support my allegations that the attention of this Province has been confined to Staple Commodities for exportation to Great Britain, and not to Manufactures for home consumption. I have taken the liberty to add as an Appendix a copy of the Titles of all the Acts and the Votes of Assembly with the dates when passed, which have given any public encouragement since the year 1734 except the Bounty given to poor protestants from Europe to become Settlers in South Carolina. My Zeal to pay the most punctual obedience to the King's Commands, and to give the most satisfactory Information to the Honorable the House of Commons, and my fear lest this Report may not be received by the meeting of Parliam! for dispatch of Business, make me unwilling to create any delay in further search of minute matters being fully confident that nothing Material relative to the Account desired is omitted. I have the honor to be with the greatest respect My Lords

Your Lord^{ps} most obed! and most humble Servants

Wm Bull.

Appendix. Titles of all the Acts and Votes of the Assembly of South Carolina giving encouragement to Various Articles for the improvement of Agriculture since 1734.

An Act for the raising of Hemp. Flax and Silk within the (Province)

Province of South Carolina. passed 29th May 1736. An Act for encouraging the Manufacture of Silk in this Province under the direction of Jno. Lewis Poyas for seven years passed the 25th March 1738 An Act for the encouragement of Mr George Simmons in his Projection of a new Instrument for cleaning Rice passed 7th May 1743. An Act for the further improvement and encouraging the produce of Silk and other Manufactures (in this term are included Silk. Wine. Oil. Wheat. Barley. Hemp. Flax. Cotton. Indico and Ginger) in this province and to repeal an Act of the General assembly entitled An Act to encourage the making of Hemp passed the 23rd day of February 1723 and for repealing such part of an Act of the General Assembly entitled an Act for the better regulating the port and Harbour of Charles Town and the shipping frequenting the same as is therein mentioned. passed 29th may 1744 Vote of the General Assembly to give the sum of £500 Currency equal to £71 Sterling to Joseph Coger for inventing a Wind Fan. and also the best Machine yet contrived for pounding of Rice passed 29 Jan 1755 An Act for the encouragement of Adam Pedington in his projection of a new Machine for cleaning Rice. passed 13 April 1756. An Act to encourage the making of Flax and Hemp in the province of So. Carolina passed 13 April 1756. An additional Act to an Act entitled an Act to encourage the making of Hemp passed 29th May 1762. All which Acts are to be seen at large in the Collection of printed laws which I had the honor of transmitting to your Lordships about 4 years ago. Vote of the Assembly to advance to the Committee appointed

to supervise the Winding of Silk in Charles Town Three Thousand five hundred pounds currency (equal to Five hundred pounds sterling) for George Veitch for inventing a Machine for pounding of Rice passed 13th January 1768. Vote of the Assembly to provide the sum of Four thousand Pounds currency (equal to Five hundred and seventy one pounds sterling) for the Committee appointed to supervise the winding of silk in Charles Town passed the 8th April 1768

All which sums were inserted in the Tax Acts next respectively ensuing

William Bull

Received Octr } 1768
Read 3 Novr }

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B. P. R. O. America and West Indies Vol 224

No. 5. New York 9 Septr 1768

To the Earl of Hillsborough

My Lord

I arrived here some time ago and propose setting out next week upon my return to my Government. The 30th of August I had the honor of receiving your letter, marked No. 9 in which you signified His Majesty's being Graciously pleased to give me leave to return to England for a short time for the recovery of my Health. I am much obliged to your Lordship for laying my request before the King and you may be assured that I shall not make use of the indulgence allowed me unless I find it absolutely necessary. I am My Lord

Your Lordships'

Most humble Servant

C. Montagu

B. P. R. O. B. T. South Carolina vol 22

O, 15 Charles Town 10 Sept. 1768

To the Rt. Honble The Earl of Hillsborough

My Lord

Your Lordships letter to Lord Charles Montagu did not come to my hands till after I had prorogued the assembly to the 13th instant I have now dissolved them in order to have a New assembly ready by the 25th of Oct before which time Lord Charles Montagu is expected here. His Lordship will have the honor of executing his Majesty's commands relative thereto with all the advantages of Weight and influence which attend a person of His Lordships high Rank Character and Station. I therefore think it for His Majesty's service and my duty not to presume to anticipate his Lordship in propounding the important matters necessary to be laid before the New Assembly, unless his lordship signifies to me that his stay at New York will be longer than intended and may be so long as to occasion some detriment to the King's service. if the opening of the Session should be delayed on his Lordships account. I think it my duty in the meantime to acquaint your Lordship that the Circular Boston Letter has been published in every Gazette on the Continent, as have the answers from their respective Speakers. Your Lordship will see by the inclosed Gazette a copy of what was written by the Speaker of our Assembly printed in ours from the Boston Gazette. in which the opinion of our Assembly. by their Orders to their committee of Correspondence is pointed out. I had the

(honor)

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honor of transmitting to the Rt. Honble the Lords Commissioners for Trade the Journals of the Assembly to the end of their Sessions. if any reference thereto may be necessary. To trouble your Lordship with my uncertain conjecture upon the reception the Boston letter may meet with in the New Assembly would involve me in the Guilt of the highest Presumption. especially as it would be difficult to guess at the Complexion of the New assembly which will be the representative of a great number of constituents who tho' Freeholders (consisting of about 4000 sensible men half the strength of the Province) have hitherto been considered as not having a clear right to Vote in any particular in parish from the uncertainty of Boundaries between the parishes. they have lately resolved to make use of this right and been at the trouble of running the dividing lines far Westward to ascertain the Parishes in which their settlements are situated Many of the Voters will ride 150 Miles to the Parish Church at which the Elections are made. To explain this matter it may be proper to inform your Lordship that when the Parishes were first set apart. care was taken to fix only the dividing Boundarys and those only to some certain point. from whence a Nominal Line was carried Northwestward to the extent of the Province. the Settlements being then not extended to even the known dividing line and as Settlers advanced further Westward no attention was paid to close the parish by some reasonable Westward bounds This will be most easily understood by a View of the Map. Altho Lord Charles Montagu has acquainted Your Lordship with the

(Commotions)

Commotions and Tumults that have disturbed the Tranquility of the North West parts of this Province more or less for above 15 months past. if it will not trespass too long upon your Lordship's time. I shall beg your Lordps patience while I represent the cause Rise. Progress and present state thereof for your Lordship's more particular Information. as I apprehend it differs from the Commotions in the neighboring colony. For several years past the Western parts of this Province had been infested by a great number of Horse Stealers and House Robbers. these Thieves became formidable by uniting in a Band. holding intercourse with sundry Hedge Taverns. where they received information the better to carry on their schemes. or to elude the pursuit of Justice. which was the more easy. as the distance from the Goal in Charles Town made it more difficult to convey them there when apprehended. The Sober and industrious being thus frequently deprived of the Fruits of their Labor and even of their Laborers (their Horses) were at length irritated to a degree beyond Warrant of Law to rise up and by numbers hunt out these Thieves and destroy the principal of those houses which were known to harbor these Common Enemies to their Industry and Quiet and resolved by a summary proceeding to punish the Offenders by immediate flagellation instead of sending them to Goal in Charles Town. many of those who had been thus illegaly thó perhaps not unjustly treated commenced prosecutions at Sessions and suits at law. some were convicted and fined. This gave great alarm to numbers as all who were present and aiding were equally Guilty

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it then became a Common Cause and they being Conscious of the rectitude of their Motives in what they had done. began to think their numbers would defend them against such vexatious suits and the next step was to agree to oppose the Officers who should go there to serve process. Upon these alarms upon fear of so many prosecutions to quiet their minds Lord Charles in April last by advice of his Council. directed Nolle Prosequi in all cases except 8 for the sake of example. but the good effects of this lenient measure were defeated by some Warrants. without the Attorney Generals knowledge being sent up amongst them which tended to destroy their faith in the indemnity which the Nolle Prosequi had promised. It is natural when men thus circumstanced frequently Assemble to revolve in their minds not only the present Evils. but what may happen, and to trace the causes and the remedies of their Grievances. here the want of County Courts for distribution of Justice near their homes presents itself in the first place. with the present excessive Law Charges. the increase of Vice and Immorality for want of ministers to instruct and Schools to cultivate the Minds of the Youth. & as the principal source of all that they have no Representatives in Assembly who know and can state their Grievances and can point out and urge effectually the proper Remedies. and because they are unrepresented they refuse to pay Taxes. These people sometimes tis said when their complaints are treated with slight or reproach have inconsiderately threatened to come down in large bodies to

(force)

force a due attention to their Claims and their desires such language they have been told is not the voice of dutiful and loyal subjects to the King, which they always profess to be not the ready way to obtain their purpose. By various accounts which I have received they are not idle Vagabonds, the can-aille, the mere dregs of Mankind, they are mostly tenants of His Majesty's landholders, tho' poor, they are in general an industrious hardy Race of men, each possessed of and expert in the use of Fire Arms, each Master of one Horse, many of several, besides Cattle and Slaves. I have taken the liberty of this long detail to represent to your Lordship how difficult it appears to me to attempt the suppressing them by Force. The only resource where a Military Force for such service can be raised must be among our maritime Settlements, where white Inhabitants are few and a numerous domestic Enemy is thick sown in our plantations, and require our utmost attention to keep them in order and our Constitutional Method of raising the Posse Comitatus has already been experienced in vain, men indeed did Assemble on requisition from the Provost Marshall, but refused to use force against their Neighbors and Countrymen. I humbly apprehend that the surest and only method of quieting the minds is the treating them with moderation and their complaints with attention, and their Grievances with reasonable redress. This delicate Conjuncture happily for His Majesty's service and the Tranquility of the Province will be administered under the prudent management of Lord Charles Montagu on Meeting the New assembly the end of next Month. I once more entreat your Lordship's pardon for this Historical Representation of the

(commotions)

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commotions in this province. which will appear prolix. but what I thought proper to be laid before Your Lordship

I have the honor to be with the greatest respect

My Lord

Your Lordship's most obed.t and most humble Servant

William Bull

Rec.d 28 Nov. 1768 }
Read 17 Nov. 1769 }

B P R O America and West Indies Vol 224

No. 18 Whitehall 15th Sept. 1768

To Lieut Governor Bull

Sir

On the 29th of August I received your Letter to me acquainting me that you had, upon the absence of His Majesty's Chief Govr. of So. Carolina taken upon you the Administration of that Government, and by the Grantham pacquet which has arrived since I have received your letters No. 2. 3. 4 & 5 and have laid them before the King. An authenticated Transcript of the Law for establishing Courts was transmitted by Lord Charles Greville Montagu some time since and has been under the consideration of the Board of Trade, whose Representation of it now lies before His Majesty in Council. His Majesty however has commanded me to communicate to their Lordships your sentiments upon this Law to the end they may if they think fit, make a further representation thereupon. The continuing the Boundary line between the two Carolinas farther to the Westward seems to be not only highly expedient but absolutely necessary, but as that paragraph of your Letter which relates to this subject finishes, as you will observe by the inclosed Copy of it, with a bare description of South Branch, without any explanation of your Ideas, in what manner the Line should be continued, I am unable to lay before His Majesty any proposition for that purpose. I am &c

Hillsborough

B P R O B T South Carolina vol 29

15 September 1768

To the Kings Most excellent Majesty

May it please Your Majesty

We have had under our consideration an act passed in your Majesty's province of South Carolina in April last. intituled "An Act for "establishing Courts building Goals and appointing Sheriffs and other "Officers for the more convenient administration of Justice in this province" We have also consulted Sir Matthew Lamb one of your Majesty's counsel at law upon this act who has reported unto us "that there are very useful things "contained in it. which will be for the ease and benefit of the people there. "but that there are some particulars. which he has thought fit to repre- "sent to us. not knowing what previous Instructions or directions were "given for making such alterations by act of assembly. that there is a "Clause which impowers the Judges in their Circuit Courts to determine "in a summary way all disputes cognizable in the said Courts not "exceeding the sum of £20 Sterling. that this amount is a very large "sum to be determined in that way, and in some of the provinces ob- "jections have been made to acts that were extended to much less sums "that by this act the Office of provost Marshall of this province is for "ever abolished and Sheriffs are to be appointed for the several "districts who are to execute all process and do all other Acts "as are done by Sheriffs in Great Britain. that the Office of Provost "Marshall being held by patent. from the Crown he must presume

(some)

"some directions may have been given to authorize the abolishing the "same and taking away the Right of the Crown as well as the making "satisfaction to the patentee without which this act would have no colour "to be confirmed. That there is a clause in this Act which he cannot imagine "was inserted by any directions and is no ways necessary for the execu- "tion of any part of the act viz: the providing Salaries for the Chief Jus- "tice and Justices of this Province. whenever it shall please Your Majesty "to appoint them, during their good behaviour That he is at a loss to "account for the inserting such a Conditional provision for the Judges. & "why a supposition should be introduced into an Act of Assembly of "such appointment. that nothing at present calls for it, and if at any "time it should, it would be then time enough to make such provision "and Instructions to be given for that purpose. That he must therefore "submit whether it is not derogatory to Your Majestys dignity, the con- "firmation of this act with such a Clause which purports a sort of "Stipulation or proposal to obtain what they want, which they should "apply for in some other way than by tacking it to an Act, that dont "require it. that there is a Salary provided for the Attorney General "and Clerk of the Common pleas, but that it goes no further than "the present Officers and not to any future"

From the nature of the observations submitted to us by Sir Matthew Lamb. it becomes necessary for us humbly to state to Your Majesty the Transactions which have given birth to this Law.

In July 1767 the Agent for the Province of South Carolina presented

to the Earl of Shelburne One of your Majestys principal Secretaries of State. a Memorial setting forth that the Office of Provost Marshal was not from the nature of it adapted to the present state of the Province of South Carolina. that many Inconveniencies resulted from it. and therefore praying that Your Majesty would be graciously pleased to allow of the Establishment of Sheriffs in the place of Provost Marshal as more consonant to the constitution of this Kingdom and of the other Colonies. in which case the Province was willing to make a proper Compensation to the patentee of the Office of Provost Marshall. for his Interest in that Office. This Memorial having been referred by Your Majesty's Command to the consideration of this Board. it was on the 22nd of July represented in a letter to the Earl of Shelburne that in the present circumstances of the province of South Carolina. where Cultivation and Inhabitancy had arrived to a considerable state of Improvement and where Settlements where extended to a great distance from the seat of the Government and established in great numbers. the Board was clearly of opinion that a division of it into Counties with an Establishment of Sheriffs for the same in lieu of a Provost Marshall would be not only of public use and convenience as conducing to the more due and speedy administra-tion of Justice but would be an Institution more correspondent to the usage and constitution of this Kingdom. and therefore that their Lordships' did not hesitate to recommend that the Governor should be instructed to give his Assent to an Act of Assembly (for)

for instituting County Sheriffs in lieu of a Provost Marshall provided proper Compensation was made to the present Patentee for his Interest in the said Office, and that a Clause was inserted in the Act suspending its operation till Your Majesty's pleasure could be known. in consequence of this opinion and advice Your Majesty's Orders conformable thereto were signified to the Governor of South Carolina by the Earl of Shelburne and the Law now under consideration was passed with a Clause suspending its execution until Your Majesty's pleasure is known, and accompanied as the Patentee of the Provost Marshall has informed us with Authority to the Agent for the Province to pay into his hands, such a sum of Money if this Act shall receive Your Majesty's approbation as the said Patentee is willing to accept as a Compensation for his interest in that Office. From the nature of the directions given by the Earl of Shelburne to your Majesty's Governor of So. Carolina we most humbly presume that it was your Majesty's Royal Intention First. That the Office of Provost Marshall should be abolished. Secondly That Courts of Judicature should be established and Sheriffs and other Officers appointed in the several districts or counties of this Province, both which objects having been provided for by this Law, and being as we humbly conceive, regulations not only of great public Utility, but which the state and circumstances of this Colony rendered highly expedient, and the Law itself having been accompanied with the conditions required by Your Majesty's instructions it only remains for us humbly to represent to your Majesty what has occurred

to us, as well upon those particular provisions objected to by Sr. Matthew Lamb as upon some others which appear to require observation.

The first objection stated by Sir Matthew Lamb is to that Clause by which a power is given to the Judges in the Circuit Courts to determine without a Jury in a summary upon petition all disputes Cognizable in the said Courts not exceeding £20 Sterling which sum tho' it seems as Sir Matthew Lamb observes. to be a large sum to be determined in that way. yet as there is an exception of all cases. where the title of lands may come in question and as it is further provided that where both parties. shall desire to have the said Causes tried by a Jury or on application of either party at his own expence then the sd. Judges shall immediately order issue to be joined and the Cause to be tried by a Jury. we humbly submit whether this objection. has that weight which Sir Matthew Lambs Report. passing over these essential exceptions appears to give it. The next Clause objected to by Sr. Matthew Lamb is that which stipulates a provision for Salaries to the Chief Justice and Assistant Judges whenever your Majesty shall appoint them during good Behaviour the granting those offices in the Colonies upon such terms as your Majesty shall think fit is, we humbly conceive a matter which the Constitution has in the Spirit and principles of it left entirely to Your Majty's discretion weighing the state and circumstances of the sd Colonies and exercising Your Majesty's own Judgement as well with respect to the nature and extent of any alteration it may be thought

(expedient)

expedient to make as to the time when it may be proper to make it and whether it should or should not be extended to all the Colonies or confined to some particular Colony the state and condition of which might appear to admit of such a change in its constitution and therefore when we consider the matter in this view of it & that your Majesty has by a General Instruction given to all your Governors in America since your Royal Accession to the Throne declared that it does not appear that in the present situation & circumstances of the said Colonies it would be for their interest or advantage that the Judges should hold their Offices during good Behaviour, and hath strictly forbid your Governors to assent to any Laws whereby the tenure of the Judges Commission shall be regulated or ascertained in any manner whatsoever, we cannot but be of opinion that the inserting this provision in the Act was both unnecessary and improper and when considered in the light of a stipulation is still more objectionable, seeing that the granting the Judges Commission during good behaviour is thereby made absolute without that constitutional Limitation of their being removable by Addresses of Both houses of Assembly, which having been provided for in the case of the Judges in this Kingdom is a limitation that we humbly apprehend Your Majesty will not dispense with in the Colonies, in case your Majesty should at any time think it proper to make any alteration there in the present Tenure of the Judges Commissions. The third and last Observation, made

(by)

by Sir Matthew Lamb is upon that particular provision of this Law by which the Salaries given to the Attorney General and Clerk of the Common Pleas are confined to the persons at present holding those Offices, and altho' it has been stated to us by the agent for the province, that the Legislature had no other intention in giving these allowances than to make a personal Compensation to the Gentlemen at present in office for the trouble they would have in carrying the Law into Execution, and gave this Compensation in the shape of a Salary in order that the Reward might not go beyond the service performed in case of their deaths or Removals, yet we humbly apprehend that this is an explanation, that does not remove the obvious objections, that occur to a provision of this nature, and that such a Limitation does not correspond with the general view and object of the Law itself which is to make a lasting and permanent establishment for the administration of Justice in a new form and therefore it does seem reasonable, that the provision made for the support of the Officers necessary for its Execution ought to have been co-extensive with the other provisions of it. As it is a principal Object and view of this Law to substitute the office of Sheriff in place of that of Provost Marshal the mode of appointing the Sheriff deserves some consideration. it is therefore necessary for us humbly to observe to your Majesty, that the provisions of the Law in this case direct, that the Court of Common Pleas shall in every second year, after the Act takes effect, at the October Meeting nominate three persons for each district or precinct whose names are to be presented to the Governor in order

that

that he may commissionate one of them to be Sheriff for such district or precinct. which mode of appointing Sheriffs tho' it does in general conform to what has been enacted and established in several of the neighbouring Colonies. and in giving the power of nomination to the Judges of the Court of Common pleas. is less exceptionable than what had been approved in some of those Colonies. where the Right of nomination is vested in the County Court. yet we must observe. that it leaves no discretionary power in the Governor to reject or set aside the Persons nominated. and appoint any other. and therefore does not as we conceive. correspond with the usage and practice in this Kingdom, or with the original Constitution of Carolina. where the Nomination of the provost Marshal. who was in fact the Sheriff and had all the powers and Authorities of such Officer. was entirely in the crown. These may it please your Majesty are all the observations we have to make upon this Law. and we must submit to your Majesty. whether the objections they state to some of the provisions of it are of such weight as to induce your Majesty to disapprove an establishment. which in the general scope and object of it. is We humbly conceive founded in wisdom and propriety and contains Regulations which in the present state and circumstances of So. Carolina appear to us to be of the greatest importance to the happiness and prosperity of your Maty's. subjects there. and to be calculated to induce such a due and impartial Administration of Justice. as is essential to the peace Welfare and Security of the province

All which is most humbly submitted

Hillsborough. John Roberts. Wm. Fitzherbert Thos. Robinson

B. P. R. O. America and West Indies Vol 224

No 19. Whitehall 12 Oct 1768

To Lieutenant Governor Bull

Sir

Inclosed I transmit to you an order of His Majesty in Council on the 7th instant, rejecting the Bill passed in the last Session of the Assembly for establishing Courts &c of which Order you will cause due publication to be made in the usual manner. I likewise transmit to you a Copy of the Report of the Board of Trade upon that Bill that you may be fully apprized of the objections their Lordships have stated to it, and of the opinion which they at the same time entertain of the importance and utility of some parts of it. In my letter of the 15th of last month I acquainted you that I had received His Majestys commands to communicate to that Board the observations you make upon that Bill in your letter to me No. 2 but as I found that their Lordships whose meetings are suspended for the usual recess at this Season of the Year would not be re-assembled in time to make any report upon this subject to His Majesty in Council, I thought it my duty to communicate those observations to the Lords of the Committee that they might be fully informed of every argument that could be urged in its favor. The Lords of the Committee have given the Bill as full a consideration as so important a Subject deserves. Their Lordships agreed entirely with the Board of Trade in every objection stated in their Report, but it seemed to me that the two great objections, that relative to the proposal

(introduced)

introduced concerning the Judges. and that which relates to the appointment of the Sheriffs. appeared still stronger to their Lordships than they had done to the Lords of Trade. insomuch that they considered the first as indecent and disrespectful to His Majesty. and the other as altogether inadmissable. I have it therefore in Command from his Majesty to signify his pleasure to you. that you do not consent to the passing another Bill for the general purposes of that now rejected unless the clause relative to the Judges Commissions be omitted and unless the nomination of Sheriffs be reserved to the Crown to be declared by the Governor in Council. With regard to the first His Majty however observes that it would well become the Assembly to make a permanent and adequate Establishment for the support of the Judges. as nothing tends more effectually to the real security of property and the impartial Administration of Justice. than that the Judges should be placed in a situation with regard to circumstances above temptation. As to the Appointment of Sheriffs the mode of recommendation by the Judges to the Governor the King approves of. but His Majty will not consent that His Governor shall be limited by Law. to appoint one of those recommended. If what Mr Garth stated to the Board of Trade to be the true reason why the assembly has thought fit to Grant Salaries to the present Attorney General and to the Clerk of the Pleas his Majesty thinks it just and equitable that they should be rewarded for any additional trouble that the proposed regulations may occasion to them. but altho' those

(Gentlemen)

Gentlemen have great merit in their respective Employments. His Majesty is of opinion that in case the Assembly thinks fit to Grant Salaries. which the King highly approves of. they ought to be permanently fixed to the Offices. and not granted to the particular men You will then sir, collect from the Board of Trade. and from this letter. the sort of Bill His Majesty will approve of for carrying into execution the regulations the Colony wishes for. and I have it in particular command from the King to signify to you that, by consenting to any Bill of this sort. in which His Majesty's objections are not obviated you will incur His Royal displeasure

I am &c

Hillsborough

B. P. R. O. America and West Indies Vol 224

No. 10. Charles Town 16th October 1768

To the Rt Honble The Earl of Hillsborough

My Lord

On the 8th instant I was honored with your Lordships' letters to Lord Charles Montagu Nos 11 to 16 forwarded by Governor Wright of Georgia and I humbly beg your Lordship to be assured that I shall give the utmost attention to his Majesty's commands signified therein. With regard to your Lordships letters Nos 11 and 15 I have the honor and satisfaction to inform Your Lordship that no opposition, interruption or insult hath been made to any Officer of His Majesty's Customs in this province since what happened in June 1767 and has already been represented to the Rt Hon the Lords of Trade by Lord Charles Montagu and to the Rt Honorable the Lords of His Maty's Treasury by Mr Moore the Collector and I am willing to hope the present orderly compliance with the Acts of Parliament relative to His Majty's Customs in America observed in this province will continue. altho' I must beg your Lordships leave to add an observation that the vacancy occasioned by Mr Leigh's resigning the Office of Judge of the Court of Vice Admiralty upon a Notification from the Lords of the Admiralty, for that the Attorney Generalship being held by the same person the Officers of His Majesty's Customs were deprived of the support of the Attorney General. will scarcely be filled up by any Gentleman of the Law in this Province, for when, according to the desire

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of the Lords of the Admiralty that the Governor would recommend a fit person for that Vacancy. I thought it necessary to know previously whether the person recommended would accept the Appointment in order to prevent their Lordships' doing a Vain Act. or the least appearance of disrespect to their Lordships commission or delay in filling it up I proposed the matter privately and separately to three Gentlemen of most eminence in the Law. they all positively declined and as far as I could collect from their manner of declining. it is owing to their unwillingness to enter upon an Office of that nature in the present unsettled temper of the times. because that Seat. though not lucrative. has hitherto been filled by Gentlemen taken from the head of the profession. I have represented this matter to the Lords Commissioners of the Admiralty. The Board of Commissioners of His Majestys' Customs at Boston. having desired that the Governor would direct the Naval Officer of each Port in this Province to transmit them Lists of the Bonds and Ships entered at their respective Ports as a Check to their Officers. I have given Orders to the Naval Officers accordingly. I have the honor to be with the greatest respect My Lord.

Your Lordships

Most obedient and most humble Servant

Wm. Bull.

B. P. R. O. America and West Indies Vol 224

No 11 Charles Town 18th October 1768

To the Rt. Honble. The Earl of Hillsborough

My Lord

Althô your Lordships letter to Lord Charles Montagu No 7 relative to the Boston Circular letter cannot receive a full answer till the Meeting of the New Assembly (in which it may not be improper to observe to your Lordship all the principal Members of the last. who did not decline serving are returned) yet as a letter from Boston. inviting the Merchants of Charles Town to concur in their plan of resolving not to send for Goods from Great Britain in order to distress or alarm the Manufacturers of Great Britain, has lately been received here and communicated to several of the principal Merchants I have the pleasure to acquaint your Lordship that it met with no countenance having been handed from Man to Man with silent Neglect. in which situation it still remains. But as the present conjuncture demands the greatest watchfullness and attention, in order to avoid deceiving your Lordship with too flattering an expectation from the above mentioned pleasing circumstance it is my duty to represent to your Lordship on the other hand that there are many here who entertain favorable sentiments of. I will not say the present measures but the political principles now prevailing in Boston, which kindles a kind of enthusiasm very apt to predominate in popular Assemblies and whose loud Cries silence

(the)

the weaker Voice of Moderation. It is however hoped and thought that this Spirit which was first raised in and received from, will at least subside with that of Boston. I have the honor to be with the greatest respect, My Lord

Your Lordships
Most obedient and most humble servant
Wm Bull.

B. P. R. O. America and West Indies Vol 224

No. 12 Charles Town 23rd Oct. 1768

To the Rt. Honble The Earl of Hillsborough

My Lord

As the packet sails tomorrow and Lord Charles Montagu is not yet arrived tho daily expected I do myself the honor to acquaint your Lordship that according to my Letter No. 9 to your Lordship I shall without opening the session prorogue the General Assembly to the 14th of next month. I am willing to hope that this procrastina-tion far from causing any detriment to the Kings service (all being quiet among the Indians, and the back Settlers now peaceably and patiently expecting redress of their Greivances when the Gen-eral Assembly meet to do Business) may produce good effects may facilitate his Majestys gracious Intentions and tend to avoid the forming precipitate and disagreable resolutions, which are more easily prevented than rescinded, as it will give time to many who have suffered themselves hitherto to be carried away in the stream of popular Opinion to examine things cooly and dis-cern the reality of that danger, which their perseverance may expose them to, as it draws nearer, and which the present pas-sions of men represent as very remote imaginary or impossible For we have already received accounts of the arrival of the two Regiments and Five Men of War from Halifax at Boston, & that more Troops are daily expected there from Europe. These destinations

(awaken)

awaken the attentions of many who wait the consequences in anxious suspense. thó many of a more determined and impetuous turn unmoved thereby still remain fixed in the opinion adopted and encouraged from the North. I have the honor to be with the greatest respect My Lord

Your Lordships
Most obed.t and Most humble Serv.t
Wm Bull.

B. P. R. O. America and West Indies vol 225

To the Earl of Hillsborough   Charles Town 8 Nov.r 1768

My Lord

I trouble you with this Letter only to acquaint you that I returned to my Government the thirtieth of last month. The Assembly have not met here yet having been prorogued by the Lieut Governor to the fifteenth of this month. There is nothing material at present to inform you of. when there is your Lordship may depend upon receiving the earliest notice. I am My Lord

Your obedient humble Servant

C. Montagu

B. P. R. O. America and West Indies Vol 224

No. 5 Charles Town 21 Nov 1768

To the Rt. Honble. The Earl of Hillsborough

My Lord

On the 15th of this month the House of Representatives of this Province met here, and after the usual forms, proceeded to business, and on Saturday they presented their Address to me. As soon as the House was adjourned that day I sent for their Journals and I am sorry to say I found the Resolutions they had agreed to, required an immediate dissolution of the House which I accordingly dissolved the same evening by beat of drum. A Copy of their Journals and those of the Council I will transmit to you by the first opportunity. In consequence of your Lordships letter No. 17 I did not disclose to the Assembly or Council any part of your Letter No. 7 tho' I observe it is the method that has been pursued by other Governors. I have done everything in my power to prevent the Assembly from taking any Notice of the Letter from Massachusetts Bay. but to no purpose. during the passing the resolutions which you will observe in the Journals the doors of the House of the Assembly were locked and no person admitted. My Conduct I hope will meet with His Majesty's Approbation. I am, My Lord

Your Lordships

Obedient humble Servant

C. Montagu

B. P. R. O. America and West Indies vol 221

Resolutions of the House of Assembly of South Carolina on the 19th of November 1768

Mr parsons reported from the Committee appointed to take into consideration the Two letters. one from the Honble Thomas Cushing Esqre Speaker of the late House of Representatives of the Massachusetts Bay and the other from the Hon. Peyton Randolph Esq. speaker of the House of Burgesses of the province of Virginia addressed to the Speaker of the late House of Assembly of this province. and he read the Report in his place and afterwards delivered it in at the Clerks Table where the same was read and is as follows. viz- The Committee to whom the letter from the Honorble Thos Cushing Esq. Speaker of the late assembly of the Massachusetts Bay. and the letter from the Hon. Peyton Randolph Esq Speaker of the House of Burgesses of Virginia addressed to the Speaker of the late House of assembly of this province. and laid by him before the House yesterday. where referred. Report that they have considered the said Letters. and have unanimously come to the following resolutions thereupon which they recommend to the House. Resolved that the said letters are replete with duty and Loyalty to His Majesty. respect for the parliament of Great Britain. sincere affection for our Mother Country. tender care for the preservation of the Rights of all His Majesty's subjects and founded upon undeniable constitutional principles. Resolved That an humble dutiful and a Loyal Address from this House to

(His)

His most sacred Majesty be forthwith prepared and sent to the agent. to be presented to the King humbly imploring His Royal protection and Interposition with the parliament to relieve His american subjects from the Grievances they labor under in consequence of the late acts passed for raising a Revenue in America. Resolved that the Speaker be directed to write letters immediately to the Speakers of the said Houses enclosing them Copies of these Resolutions and to acquaint them of the entire Approbation of this House of the measures taken by their Houses to obtain redress of the Grievances mentioned in the said letters and to thank them for communicating to their fellow subjects and sufferers in this and the other provinces. the Proceedings of their Houses upon these important points. Resolved that the said Report be taken into Consideration immediately. and the said Report being read paragraph by paragraph was unanimously agreed to by the House. Ordered that a Committee of the following Gentlemen be appointed to correspond with the agent in Great Britain viz! Mr. Pinckney. Col. Laurens. Mr. Lynch. Mr. Pouag. Mr. Rutledge. Mr. Parsons. Capt. Savage. Mr. Dart. Mr. Lloyd. Mr. Evance. Capt. Gadsden Mr. Charles Elliott. Ordered that the Committee of Correspondence do write to the Agent in Great Britain and Instruct him to join with the agents of the other provinces in obtaining a repeal of the several acts of Parliament which have lately been passed. laying duties in america and that he do endeavour to prevent the clause for billeting Soldiers in America from being inserted in the next

(mutiny)

Mutiny Act that is passed, and that they do further instruct the Agent to join the Agents of the other Provinces in all matters where the general interest of North America is concerned Ordered That a Message be prepared to be sent to His Majesty's Council to acquaint them that this House has appointed a Committee to correspond with the Agent in Great Britain and to desire that their Honors will be pleased to appoint a Committee of their Board for that purpose also. Ordered That a Committee of the following Gentlemen be appointed to prepare an humble dutiful and loyal Address from this House to His most sacred Majesty to be sent to the Agent to be presented to His Majesty humbly imploring His Royal Protection and Interposition with the Parliament to relieve His American Subjects from the Grievances they labour under in consequence of the late Acts passed for raising a Revenue in America viz:- Captain Gadsden. Mr Lynch Mr Rutledge.

B. P. R. O. America and West Indies Vol 224

No 21. Whitehall 10 December 1768

To Lord C. G. Montagu

My Lord

In my Letter to you No 20 I had the honor to send your Lordship His Majesty's speech at the opening of the session of Parliament, and the Addresses of both Houses thereupon and I am now to acquaint you that I have since received dispatches from Lieut Governor Bull Nos 10. 11. 12. His Majesty observes with satisfaction the manner in which the Resolves of the Merchants of Boston against the Importation of British Goods was received by the Merchants of Charles Town, and trusts that the House of Assembly actuated by the same principles will upon their meeting shew the same silent neglect of the Circular Letter from the Speaker of the Assembly of the Province of Massachusetts Bay and that the vigor of his Majesty's Councils in the Measures taken to suppress the disorders at Boston will have the effect to warn the Enemies to the peace of Great Britain and her Colonies of the reality of the danger to which they will be exposed by a perseverance in their flagitious designs. As I observe there are two or three vacancies in the Council for South Carolina. I could wish your Lordship would transmit to me to be laid before His Majesty, the Names of such persons as you think fit for that station, in order that the vacancies may be filled up. for altho

(His)

His Majesty does not always appoint those persons to seats in the Coun-
-cils of His Colonies whose names are transmitted by the Governors
His Majesty nevertheless gives particular attention to their recom-
-mendations

I am &c
Hillsborough

B. P. R. O. B. T. ~~South Carolina~~ Journals. Vol 77.

Tuesday 27 June 1769

At a Meeting of His Majesty's Comm^rs for Trade and Plantations

Present

Earl of Hillsborough Mr Elliot Mr Robinson
Mr Fitzherbert Lord Lisburne

. . . .

So Carolina Read a Memorial of Thomas Crowley on behalf of John Daniel Hammerer to the Earl of Hillsbrrough stating his services in civilizing and instructing the Indian Youth and praying that some provision may be made for him. Ordered that Mr Crowley have notice to attend on the subject of his Memorial on Friday next.

. . . .

Friday 30th June 1769

So Carolina Mr Crowley's Memorial mentioned in the Minutes of the 27th instant was again read and considered, and Mr Crowley attending as desired, it appeared upon examination, that the transaction to which he refers, relative to Mr Daniel Hammerer's being sent to America to instruct the Indian Youth was not a public proceeding at this Board, but only a private conversation with Lord Hillsbro' who had expressed his private opinion of the utility of such a plan whereupon Mr Crowley was advised to make an application to the Society for the propogation of the Gospel in Foreign parts and Lord Hillsborough was requested by the Board to recommend Mr Hammerer's case to the Governor of So Carolina . . . .

Thursday 6th July 1769

So Carolina The Earl of Hillsborough by His Majesty's command communicated to the Board for their consideration duplicate of a Letter No 8 from Lord Charles Greville Montagu Governor of South Carolina to his Lordship dated 1 March 1769 on the temper of the Assembly and recommending Gentlemen to supply Vacancies in the Council. Their Lordships took the said Letter into consideration and a Representation to His Majesty recommending that William Wragg and Rowland Rugely Esquires may be appointed of the council of South Carolina was signed.

. . . .

Thursday 27th July 1769

So Carolina Read an humble petition of the palatines settled in So Carolina that a Minister may be appointed and reside amongst them Ordered that the Secretary do transmit a Copy of the said petition to the Society for the propogation of the Gospel in Foreign parts and recommend the case of the palatines in South Carolina to their pious consideration

. . . .

Friday 17th November 1769

So Carolina Their Lordships being re-assembled after some recess, and the Earl of Hillsborough one of His Majesty's principal Secretaries of State being present the Secretary laid before the Board the following papers relative to the province of So Carolina, which papers had been received since the last meeting of the Board Viz:-

Duplicate

Duplicate of a letter No 8 from William Bull Esq Lieut Governor of South Carolina to the Earl of Hillsborough dated 8th Sept. 1768 containing an account of the Manufactures set up and carried on in that Province and the public encouragement given thereto. The South Carolina and American General Gazette from 26 Aug. to 2 Sept. 1768 The South Carolina Gazette 6th Sept. 1768. Duplicate of a Letter No 9 from Lieut Governor Bull to the Earl of Hillsborough dated 10th Septr 1768 relative to the assembly, the Freeholders and the cause of the disturbances in the North west parts of the Province Lists of Grants from 7 May to 24 Nov. 1767. Do from 13 May to 22 Oct. 1768. Minutes of Council from 5 Jany to 28th Decr 1768. Journals of the Commons House of Assembly from the 15th to the 19th Nov 1768 An Act passed 29 July 1769. So Carolina Gazette. Duplicate of a Letter No 13 from Lieut Govr Bull to the Earl of Hillsborough respecting the suspension of the payment of Fines imposed on some offenders in South Carolina Copy of the Petition of the said Offenders to the Lieut Governor to that purpose. Copy of the Lieutent Governors Warrant to suspend the payment of the said Fines. Duplicate of a Letter No 14 from Lieut Govr Bull to the Earl of Hillsborough dated 28th August 1769 relative to the Resolutions of the assembly, asserting Claims of American Rights, and his Reasons for not dissolving them. Copy of Resolutions of the Commons House of Assembly on the 17th and 19th of August 1769. Duplicate of a letter No 15 from Lieut Govr Bull to the Earl of Hillsborough dated 29th

(August)

August 1769 relative to a requisition made to the assembly to pro-
-vide Barrack necessaries for the Kings Troops. Copy of a Message
from the Commons House of assembly to the Lieut. Gov.r the 19th of
August 1769 respecting Barrack provisions. Duplicate of a Letter
No 16 from Lieut. Governor Bull to the Earl of Hillsborough dated
7th Sept. 1769 relative to the discontents in the Back settlements.
the expediency of the Circuit Act. and the good Behaviour of the
Kings Troops lately quartered in the Barracks. Three So Carolina
Gazettes dated August and Sept 1768 and June 22. 1769. Letter
from Lieut Gov.r Bull dated 26th Sept. 1769 transmitting Copies
of acts passed in July and August 1769. Titles of said Acts.
Letter from Dr Burton to the Secretary dated 27th September 1769
acquainting him with the design of the Society for propogating
the Gospel in Foreign parts. to appoint and allow a competent salary
to a resident Missionary for the protestant palatines in So Carolina.
The Secretary having acquainted the Board that the act "For
"establishing Circuit Courts and abolishing the Office of Provost
"Marshal" recommended for confirmation in Mr Bulls letter to Lord
Hillsborough No 16. was amongst the Acts abovementioned. the said
act was read and considered. and it appearing to be free from the
objections made to the former Law for this purpose. and the Patentee
of the Office of Provost Marshal having signified that he had re-
-ceived full security for a compensation for his interest in the
said patent. it was ordered that the Draft of a representation

to His Majesty should be prepared proposing that the said Act may be confirmed

. . . .

Wednesday 22 Novr. 1769

So. Carolina The Earl of Hillsborough one of His Majesty's principal Secretaries of State, being present the Draft of a Representation to His Majesty recommending the confirmation of an Act passed in South Carolina in July 1769 "For establishing Courts of Justice and for other purposes" which draft had been prepared pursuant to order was approved transcribed and signed

. . . .

Friday 15th Dec. 1769

So. Carolina The Secretary acquainted the Board that he was desired by Mr. Moore one of the Council of So. Carolina to signify to their Lordships his resignation of the Office of one of His Majesty's Council for the province of So. Carolina, in consequence of his having been removed from his Office of Collector of the Customs in that Colony

. . . .

B P R O America and West Indies Vol 225

(No 22) Whitehall 4 January 1769

To Lord C G Montagu

My Lord

I have received and laid before the King your Lordships letter No 20. It is a great concern to His Majesty that the proceedings of the New Assembly of South Carolina have been of such a nature as to make it necessary in your Lordships opinion to dissolve it but as your Lordship has not transmitted the Resolutions upon which you thought fit to take this step. I can only say that I have no doubt from the prudence with which your Administration has been hitherto directed that your conduct upon this occasion will appear to have been such as to merit his Majesty's Approbation

I am &c

Hillsborough

B P R O America and West Indies vol 225

(No 7)

Charles Town 17 Jany 1769

To the Earl of Hillsborough

My Lord

On the 23rd of November last I had the honor of transmitting to your Lordship a Copy of the Journals of the Assembly of this Province during the last Sessions. I now send to you a duplicate of that Copy together with the Journals of the Council from the 31st of Decem^r 1767 to the 1st of January 1769. and a list of Grants from the 13th of May to the 22nd of Oct 1768. The Assembly being dissolved I shall not call a New one till I receive His Majestys Instructions upon that head. The Twenty Third Regiment are arrived here from Augusta

I am My Lord

Your Lordships

Most humble servant

C Montagu

B.P.R.O. America and West Indies Vol. 225

(No. 8) Charles Town 1st March 1769

To the Earl of Hillsborough

My Lord

I had the honor of your Lordships letter No. 21 by the Packet in which you mention His Majestys satisfaction at the manner that the Merchants of Charles Town received the resolves of the Merchants of Boston. and I am very sorry that the late House of Assembly did not act with equal prudence. in regard to the Circular letter from the Speaker of the Assembly of the Massachusetts In respect of the Council of this province. I beg leave to mention the present state of it to you that His Majesty may give such directions. as he thinks proper in consequence of it. there has been for some time two vacancies the one by the death of Mr Skinner the other by Mr Laurens's having declined acting. Mr Moore is at present and has been for many months in England. Sir John Colleton lives generally at his Plantations which are at a distance from Charles Town. by which means he scarcely ever attends the Board. On this account I am often distressed for a sufficient number of Members to do business and particularly when any Chancery Suits are to be determined. as on those occasions Mr Leigh usually declines sitting as a Member being frequently employed in those causes as Atty General I shall now mention the names of two persons whose characters & abilities will I think make them very proper Members to fill up the Vacancies in the Council. Rowland Rugely & Bernard Elliot Esqrs. I am My Lord. Your Lordps most obedt humble Servant

C. Montagu

B P R O America and West Indies Vol 225

(No 23) Whitehall 23 March 1769

To Lord C. G. Montagu

My Lord

As it is not the Kings intention that the intemperate resolutions of the House of Representatives of South Carolina on the 19th Nov 1768 should operate to the public prejudice by any long discontinuance of the General Assembly, I have received his Majesty's commands to signify to you His Royal pleasure that your Lordship should issue Writs for the Election of a New Assembly whenever the public Affairs of the Colony shall appear to you to require it. His Majesty having approved of Wm Wragg Esq to be Chief Justice of South Carolina in the room of Mr Skinner, Your Lordship will upon the receipt of the usual Warrt which His Majesty has signed this day, give the proper directions for passing a patent under the Seal of the Province conformable thereto

I am &c

Hillsborough

B. P. R. O. America and West Indies vol 225

(No 9) Charles Town 25th May 1769

To the Earl of Hillsborough

My Lord,

As I found His Majestys service much injured by want of a Judge of the Admiralty I appointed James Simpson Esq to act till some person should be appointed from England. Since that Mr Johnson has arrived here who informs me his Majesty has appointed him Judge of the Admiralty for this Province together with four other Provinces I beg leave to mention, that this may be the means of greatly delaying of Justice as the Business in the Admiralty Court is now considerable, and great difficulty will be found in this Province, in the appointing a proper person to act as surrogate. Mr Simpson is very capable of performing the Office of Judge in that Court, and has in a particular manner been always ready to serve the Crown when all the other Gentlemen of the Law here have declined it. I have not yet received any answer to my Letter No 7 for which reason the Assembly here have not yet met. I am My Lord

Your Lordships

Most humble Servant

C. Montagu

B P R O America and West Indies Vol 225

(No 26) Whitehall 7 June 1769

To Lord Charles G Montagu

My Lord

Your Lordships letter No 8 has been received and laid before the King, and as the Recommendation of persons to supply vacancies in the several Councils in the Colonies is within the Department of the Board of Trade, I have received His Majesty's Commands to communicate your letter to that Board, where I doubt not a proper attention will be shewn to your Lordps Recommendation of Mr Rudgely and Mr Elliot

I am &c

Hillsborough

B P R O South Carolina B. I vol 22

O 9.

rec^d 1 June 1769

To the Right Honorable The Earl of Hillsborough first Commissioner of Trade and Plantations the Memorial of Thomas Crowley on behalf of John Daniel Hammerer

May it please your Lordship

About February 1765 an Advertisement appeared in the daily papers that suitable persons were wanted to go to america in order to civilize and instruct the Indian Youth or to that Effect. A few days after which John Daniel Hammerer in company with Thomas Crowley waited on Your Lordship in Hanover Square and were ordered to attend that day at the Board of Trade. the said John Daniel Hammerer accordingly attended, & there received an order to go on board the Madeira packet Captn Wilkinson for Virginia being a vessel which we were informed was chartered by Messrs Edward Athawes Merchants and - Montagu Esqr their Agent for Virginia for the purpose of carrying over three Indians then here. The said John Hammerer accordingly took his passage in her and myself paid for the same &c £18. exclusive of fresh provisions &c and after he arrived in Virginia he travelled over land into the Cherokee Country where he appears to have diligently and faithfully applied himself to the purpose for which he went with such your Lordship's approbation as above recited and the expence of all which and his own and Indian Scholars subsistence having cost not much less than four hundred pounds has been hitherto defrayed by subscription obtained by your Memorialist

(together)

together with some allowance from the Assembly of Virginia and South Carolina. but these now failing and your Memorialist being considerably in Advance the salutary scheme must drop unless Government should be so Gracious and beneficent as to take him under their consideration & make or cause to be made some suitable provision for him. By his last Advices he appears to be resident at Long Canes. within a few miles of the Boundary Line which seperates the Inhabitants of So Carolina from the Indian Hunting Country. Your Memorialist therefore in behalf of so worthy a man. and the amiable cause he has so worthily undertaken and prosecuted. does presume to recommend the case to Your Lordships serious Consideration and hopes it will not be without a happy Effect.

Recd 1st June } 1769
Read 27 . }

B. P. R. O. America and West Indies Vol. 225

(No. 11) Charles Town 30 June 1769.

To the Earl of Hillsborough

My Lord

I received the honour of your Lordship's letter No. 23 by the packet. previous to which I had issued New Writs for the Election of a new assembly. that they might be ready to go upon business, whenever I received any Instructions for that purpose. they have already met and on Tuesday last chose their Speaker. I have detained His Majestys Packet Boat two days. in expectation of being able to send your Lordship a more particular account of their transactions, but they have not yet come to any resolutions. I am sorry to inform Your Lordship that I have no expectation of their providing for His Majestys Troops. as they publicly declare the contrary. I am sorry to inform you that Mr Wragg has declined acting as Chief Justice. his particular reasons for it, he informs me he has transmitted to you. in No. 10 I informed Your Lordship a Court of admiralty had been held here for the Trial of Matthew Turner for the murder of Captain Harrop, at which time Turner was much recommended for mercy in consequence of which I reprieved him till his Majestys pleasure was known. and on Wednesday the 28th instant a Court of admiralty was held for the Trial of Captain Scrogham who was acquitted.

I am, My Lord, Your Lordships most humble Servant

C. Montagu

B P R O America and West Indies

(No. 12) Charels Town 30 June 1769

To the Earl of Hillsborough

My Lord

My health has been of late so much impaired by the Climate that I am strongly recommended to return to England for a few months this summer which I propose accordingly doing by some early opportunity and I hope his Majesty's service will not suffer by my absence, as the Government will be in the hands of so sensible a man as Lieut Governor Bull. I have hitherto been very unwilling to make use of that leave of absence his Majesty was so graciously pleased to Grant me last year. I am, My Lord

Your Lordships

most obedient Servant

C. Montagu

P. S I have this Minute obtained a Copy of an Agreement the principal have signed thó the Merchants have not

(Inclosure) We his Majestys dutiful and loving subjects the Inhabitants of South Carolina, being sensibly affected with the Great prejudice done to Great Britain, and the Abject and Wretched condition to which the British Colonies are reduced, by several Acts of Parliament lately passed by some of which the Monies that the Colonists usually and cheerfully spent in the purchase of all sorts of Goods imported from Great Britain are now to their Great Grievance, wrung from them without their co

(consent)

consent or even their being represented. and applied by the Ministry. in prejudice of. and without regard to the real Interest of Great Britain or the Manufacturers thereof. almost totally to the support of new created. Commissioners of Customs. placemen. parasitical and novel Ministerial Officers: and by others of which acts we are not only deprived of those invaluable Rights. Trial by our peers and the Common Law. but are also made subject to the arbitrary and oppressive proceedings of the Civil Law. justly abhorred and rejected by our Ancestors the Freemen of England. and finding that the most dutiful and loyal petitions from the Colonists alone for Redress of those Grievances. have been rejected with Contempt so that no relief can be expected from that method of proceeding. and being fully convinced of the absolute necessity of stimulating our fellow Subjects and sufferers in Great Britain to aid us in this our distress. and of our joining with the rest of the Colonies in some other loyal and vigorous methods. that may most probably procure such relief which we believe may be most effectually promoted by strict Economy and by encouraging the manufactures of America in general and of this Province in particular We therefore whose names are underwritten do solemnly promise and agree one with each other. that until the Colonies be restored to their former freedom by the Repeal of the said Acts we will most strictly abide by the following Resolutions

1 That we will encourage and promote to the utmost of our power. the use of North American Manufactures in General and those of this province in particular

2. That we will upon no pretence whatsoever import into this Province any of the Manufactures of Great Britain, or other Goods and Wares usually received from thence other than such as may have been shipped in consequence of former orders and we do solemnly promise and declare that we will immediately countermand all Orders to our Correspondents in Great Britain for shipping any such Goods, Wares & Manufactures excepting only Negro Cloth, Duffil Blankets, Osnabrugs Plantation and Workmens Tools, Powder, Lead Shot, Canvas, Nails Salt, Coals, Wool Cards, Card Wire, printed Books and pamphlets, nor shall this Agreement influence us to raise the price of the British Manufactures or other Goods and Wares any of us now have to dispose of, or of such as may arrive before our countermanding Orders get to hand

3. That we will use the utmost Economy in our persons Families Houses and Furniture, particularly that we will use no mourning, nor give Gloves or Scarves at Funerals.

And lastly, that we look on every Inhabitant of this Colony who refuses or neglects to sing this Agreement within one month from the date hereof as no Friend to the True interest of the Colony, and we will upon no Account at any time thereafter purchase from, or sell to such person, any Goods or Merchandize whatsoever

Given under our Hands the 28th day of June 1769

B. P. R. O. B. T. South Carolina Vol 29

6 July 1769

To the King's most Excellent Majesty

May it please your Majesty

There being several Vacancies in your Majesty's Council of the province of South Carolina. We humbly beg leave to propose that William Wragg Esq. Chief Justice of the said province and Rowland Rugely Esq. who have been recommended to us as persons every way qualified to serve your Majesty in that Station may be appointed of your Majesty's said Council

Which is most humbly submitted

Hillsborough
Ed. Elliott
Willm Fitzherbert
Lisburne

B. P. R. O. B. T. South Carolina Vol 23
P. 28

At the Court at St James the 14th day of July 1769

Present

The Kings most Excellent Majesty in Council

Whereas there was this day read at the Board a Representation from the Lords Commrs for Trade and plantations dated the 6th of this inst setting forth that there are several Vacancies in His Majestys Council of the province of South Carolina, and humbly proposing that Willm Wragg Esq Chief Justice of the said province and Rowland Rugely Esq (who have been recommend to the said Lords Commissioners as persons every way qualified to serve his Majesty in that Station) may be appointed of His Majestys said Council. His Majesty in Council approving thereof is pleased to Order, as it is hereby ordered that the said William Wragg and Rowland Rugely Esqres be constituted and appointed Members of His Majestys said Council in the province of South Carolina - And that the Right Honorable the Earl of Hillsborough one of His Majestys principal Secretaries of State do cause the usual Warrants to be prepared for His Majestys Royal Signature accordingly

Recd }
Read } 21 Decr 1772

B. P. R. O. America and West Indies. Vol 225

(No 28) Whitehall 15 July 1769

To Lord Charles G. Montagu

My Lord

Since my letter to you of the 7th of June No 26 His Majesty has been graciously pleased to direct the proper Warrants to be prepared for the appointment of Mr Wragg and Mr Rugely to the vacant seats at the Council Board of the province of South Carolina and I hope it will not be long before an opportunity offers of despatching them to you I am further to acquaint your Lordship that I have received and laid before the King your letter No 9 inclosing a Report of the Committee of the Council on the subject of the Boundary line with North Carolina and I am not without hopes that this business may soon be settled to the satisfaction of both provinces. The appointment of a Judge of the Admiralty for the district assigned to Mr Johnson neither supersedes nor prevents the appointment of a particular Judge of the Admiralty for each Colony. and therefore my Lord give me leave to observe that upon more mature consideration of the nature of the Courts of Admiralty His Majesty has thought fit to establish for particular districts and upon better information of the extent of their Commissions. Your Lordship will find that the opinion you have thought fit to express to me of this institution has been ill founded. When I had the honor to serve His Majesty as a Commissioner of Trade in the Year 1765, an application was made to me for the encouragement of a plan for civilising the Indians by schoolmasters

(sent)

sent amongst them for the Instruction of their Youth. As I had not then the means of giving any Official support to this plan, tho' I greatly approved it, I could only express to the author of it, Mr Daniel Hammerer a German my wish that it should be prosecuted. I have been since informed that Mr Hammerer who went over to America soon after, has met with great success in this undertaking among the Cherokees, but cannot remain them any longer for want of some establishment that may enable him to carry on this Good work. I therefore beg leave to recommend him to your Lordships countenance and protection and to desire that Your Lordship would propose to the assembly to continue that encouragement to Mr Hammerer which I understand they have already shewn a disposition to give him,

I am &c

Hillsborough

B. P. R. O. B. T. South Carolina Vol 22
O. 10

Recd July 1769

To the Right Honble The Earl of Hillsborough and the Lords Commrs of Trade and plantations

The Humble Petition of the Palatines settled in South Carolina

Shewing That though your Petitioners are happily settled and in a way of getting their Subsistence by their Labours yet they find them selves greatly distressed for want of a Clergyman to instruct them, to inspect the Education of their Children, and to comfort the sick and dying, there being no Minister to be met with at a lesser distance than 50 or even 70 miles. nor any sick or dying person visited at a less expence than £10 sterling. Your humble Petitioners My Lords most ardently wish to see their families and children brought up under the impressions of a religious and Christian Education, restrained from immorality and excesses, and kept by Religion in a proper sense of their Duties to God and to the Government. But their Settlement being as yet in an Infant state, without Trade and without money, they are utterly unable to procure a Minister and to settle such a Salary on him as might induce a worthy Clergyman to come and reside amongst them. They find themselves therefore most humbly obliged to lay their case before your Lordships, and to implore once more the Gracious Bounty of the British Government in their behalf, and Dr Wachsel having been applied to by the Colony on this Account and being acquainted with a Clergyman worthy of the Trust and ready to accept

(of)

of the calling presumes most humbly to intercede, with your Lordships
in behalf of the religious concerns of the Infant colony and to recommend
the said Gentlemen for their Minister

And your most Humble Petitioners shall ever pray &c.

In the Name of the Petitioners

Gustavus Anthony Wachsel D.D.

Minister of the German Lutheran

St George's Chapel in Goodman's Fields

Recd. July }
Read 27. } 1769

B. P. R. O. B. T. South Carolina Vol 29

28 July 1769.

To the Revd. Dr. Burton, Secretary to the Society for the propogation of the Gospel in Foreign parts

Revd Sir

I am commanded by the Lords Commissioners for Trade and plantations to transmit to you the enclosed Petition, presented to them on behalf of the protestant palatines in South Carolina. Their Lordships have a full sense of the distress to which that little Colony is exposed from the want of a due Administration of the essential and important Offices of Religion, but not having within their power any Fund, out of which they can make provision for a protestant Minister to this Settlement they entreat the favor, that this Petition may be communicated to the Society for the propogation of the Gospel in Foreign Parts to whose consideration they beg leave to recommend the case of the Petitioners I am with the greatest respect, Revd Sir

Your most obedt. and most faithful humble Servt.

J. Pownall

B P R O America and West Indies vol 225

(No. 13) Charles Town 12th Augt 1769

To the Earl of Hillsborough

My Lord

On the 31st of last month the very day on which the Rt Hon. Lord Charles Greville Montagu embarked for Great Britain. I had the honor to receive your Lordships' Letters duplicate of No 23 and originals of 24 & 25 addressed to his Lordship. and shall pay a due attention to the important matters therein contained. As your Lordship will receive a full account of the state of affairs in this province from his Lordship I shall not give your Lordp any trouble on that subject until any new may occur. I have the honor to represent to your Lordship in obedience to His Majesty 63rd instruction to Lord Charles Montagu. that in consequence of the powers therein graciously allowed by his Majesty I have suspended the payment of a Fine of £15 proclamation equal to £11.15/ sterling upon each of Four poor Germans at a Court of General Sessions of the peace last april. John Fulmar Bartholomew Gartman. Chrisr Smith and Thomas Trapp were convicted of a Rescue or an attempt to rescue some persons that were in the custody of the Law. for which they were sentenced to suffer three months imprisonment and pay each a Fine of £15 proclamation. They above two months ago had suffered the term of Imprisonment and have now by petition represented to me. their inability to pay the Fine. humbly praying such relief as it is in my power to Grant. When their poverty the distress of their families. their ignorance of the English Laws, and

(an)

an Addition of two months imprisonment in our hot climate to the Term by sentence of the Court are considered I humbly submit to your Lordship whether they will be thought to have paid by the sufferings of their Body what is adequate to their Fine which they had it not in their power to pay in Money I have the honor to lay before Your Lordship a copy of their petition and my warrant to suspend the payment of the Fine untill His Majesty's Royal Will and pleasure shall be made known that the matter may be laid before His Majesty and I may be honored with His Majesty's command thereupon I have the honor to be with the greatest respect My Lord Your Lordships

Most obedient and Most humble servant

Wm Bull

[Inclosure] South Carolina

To the Honorable Wm Bull Esq Lieutenant Governor and Commander in Chief in and over the said province and Vice Admiral of the same

The Humble Petition of John Fulmer Bartholomew Gartman Christopher Smith and Thomas Trapp Sheweth That your petitioners at the last General Sessions of the Peace were indicted for and found Guilty of a Rescue or an attempt to rescue some persons that were in custody of Joseph Scoffel and were adjudged to suffer three months imprisonment and pay each a Fine of Fifteen pounds proclamation Money. That your petitioners have already suffered the said imprisonment to the Great Injury of their

(Healths)

Healths and ruin of their Families. That your petitioner Thomas Trapp hath a Wife. your petitioner Christopher Smith a Wife and four Children your petitioner John Fulmer a Wife and Five Children. And you Petit.r Bartholomew Gartman a Wife and seven Children. who have nothing to depend upon for their support but the labour and Industry of your Petitioners. who are utterly unable to pay the said Fines. and must therefore unless your honor shall extend His Majesty's Gracious Mercy towards them remain in prison all their lives. and their families in the meantime suffer the most grievous distress for want of means of support That your petitioners were unwarily and without any design to Transgress the Law. lured into the scene of Action that has brought upon them their distress and that they are determined for the future never to join with any Body of men whatsoever that shall not be assembled according to Law. May it therefore please Your Honor to take Your petitioners miserable case into consideration and to extend His Majesty's most gracious Mercy towards them by ordering their Fines to be remitted and Your petitioners discharged. And your petitioners as in duty bound will ever pray

Signed. John Folmer. Bartholomew Gartman
Charles Smith. Thomas Trapp

[Inclosure] South Carolina } By the Honorable William Bull Esq. Lieut.
L.S. } Governor and Commander in Chief in and over the said Province.

To all and Singular the Judges Justices of our Sovereign Lord the King within the said province to George Saxby Esq His Majesty Receiver General To the provost Marshall and all others to whom these presents shall come

Whereas at a Court of General Sessions of the peace begun and holden the 17th day of April last at Charlestown. John Fulmer, Bartholomew Gartman, Christopher Smith and Thomas Trapp were Indicted and found Guilty of a rescue or an Attempt to rescue some persons that were in custody of Joseph Scoffel and were adjudged to suffer three months imprisonment and pay each a fine of fifteen pounds proclamation money And Whereas the said John Fulmer, Bartholomew Gartman Christoper Smith and Thomas Trapp have by petition represented to me that they have already suffered the imprisonment to the great Injury of their Health and the ruin of their Families and that they are utterly incapable to pay their fines humbly praying me to give them such relief therein as I may think proper Now know Ye that I for divers good causes and Considerations me thereunto moving have thought fit to suspend the payment of the said fine untill His Majestys Royal Will and pleasure shall be thereupon made known

Given under My hand and Seal at Arms this 9th day of August 1769 and in the 9th year of his Majestys Reign.

B. P. R. O. B. T. South Carolina Vol 22

O. 22 (No 14) Charles Town 28 August 1769

To The Right Honble The Earl of Hillsborough

My Lord

I have the honor to acquaint Your Lordship that on the 19th inst the assembly of this province concurred in the resolutions asserting claims of American Rights which the assembly of Virginia had come to this summer by invitation of the Virginian Speaker with one additional Article I would not delay transmitting an account thereof until the Journals were sent in due course to the right honorable the Lords Commrs for Trade and plantations as I thought it my duty to lay a copy in thereof immediately before your Lordship that his Majesty might receive the earliest notice thereof and signify His Royal pleasure thereupon When I considered your Lordships letter No 23 to Lord Charles Montagu and that the assembly had then ten Bills before them among which was the Tax Bill for discharging the public debts for the Year 1768 I thought I should not accordingly act to His Majestys most gracious and paternal Intention if I put a stop to their proceedings by a dissolution or immediate prorogation especially as experience had shewn that a repetition of such marks of displeasure had not produced any good effects of changing Men or Measures in the present universal Jealousies of the people but had tended rather to furnish the more turbulent and factious with popular arguments to keep up their clamors and feed than discontent After my giving my assent to the

(Ten)

Ten Bills on the 23rd instant when I put an end to the Sessions by a Prorogation. I thought it prudent to be silent as as well with regard to the concurrence of the Assembly with the Virginia Resolutions (for therein they have done very little but what they had before resolved in former Assemblies) as to their refusing to provide Barrack necessaries, as the Sovereign authority of the British parliament over British America did not stand in need of the feeble voice of an American Governor to support its Rights, which had been declared in the most solemn manner by that most August assembly, and as reviving disputes now on such subjects would only serve to produce fruitless altercation and render the minds of People, thereby more irritated the less susceptible of those general sentiments of Gratitude on the restoration of mutual confidence and affection between the Mother Country and her Colonies, which your Lordships letter No 24 to Lord Charles Montagu holds forth the most agreable hopes of seeing soon happily effected If I am so unfortunate as to have been mistaken in my conduct I most humbly entreat your Lordship to impute it to my error in Judgement upon our present circumstances. I presume Your Lordship has been informed by Lord Charles Montagu that the planters, Merchants and Mechanics of this Province have at last tho' lately concurred in the Resolutions some time since entered into by the northern Colonies of economy and of not importing goods from Great Britain untill the act imposing duties on Glass paper &c in America is repealed, whenever that place I make no doubt but this province will most cheerfully return to its former plan, of raising

(produce)

produce from the earth to be sent to Great Britain for her Manufactures which we are sensible is the true Commercial Interest of both as Gt Britain abounds in Manufacturers and Carolina in improvable Lands and a variety of staple produce, as Rice, Indigo, Hemp, Lumber, Naval Stores and the dawn of Silk and Wine begins to appear. I have the honor to be with the greatest respect My Lord

Your Lordships

Most obedt and most humble Servant

Wm Bull

Recd } 17 Nov. 1769.
Read }

(Inclosure) South Carolina

O. 23 In the Commons House of Assembly Thursday 17th Aug 1769

Mr Speaker acquainted the House that he had just received a letter from the Honorable Peyton Randolph Esq late Speaker of the House of Burgesses of Virginia inclosing a Copy of the Resolutions which they had entered into, and the same were severally read to the House

Resolved that this House will on Saturday next take into Consideration the said Letter and Resolutions Ordered that every Member do attend the service of the House on that day

Saturday the 19th day of Augt 1769

The House (according to order) proceeded to take into consideration the Letter from the Honorable Peyton Randolph Esq. late Speaker of the House of Burgesses of Virginia to the Speaker of this House and also the Resolutions which were entered into by the said

(House)

House of Burgesses of Virginia and the said Letter and Resolutions being severally read the House came to the following resolutions thereupon Resolved Nemine Contradicente That the sole Right of imposing Taxes on the Inhabitants of the Province of South Carolina. is now and ever hath been legally and Constitutionally vested in the Commons House of assembly lawfully convened according to the Ancient and Established practice with the Consent of the Council. and of His Majesty the King of Great Britain or his Governor for the time Being. Resolved Nemine Contradicente that it is the undoubted privilege of the Inhabitants of this Colony. to petition their sovereign for Redress of Grievances and that it is lawful and expedient to procure the concurrence of his Majestys other Colonies in dutiful addresses praying the Royal Interposition in favor of the violated rights of america Resolved Nemine Contradicente That all Trials for Treason. Misprision of Treason, or for any Felony or Crime whatsoever committed and done in this His Maj^tys said Province. by any person or persons. residing therein. ought of right to be had and conducted in and before His Majestys Courts. held in the said Province according to the fixed and known course of proceeding and that the seizing any person or persons residing in this province suspected of any crime whatsoever. committed therein and sending such person or persons to places beyond the Sea. to be tried is oppressive and illegal and highly derogatory of the Rights of British subjects as thereby the inestimable privilege of being tried by a Jury from the vicinage as well as the Benefit of Summoning

(and)

and producing Witnesses on such Trial will be taken away from the party accused Resolved Nemine Contradicente That the Statute made in the Thirty Fifth Year of the Reign of King Henry the Eighth Cap II intituled "An Act for the Trial of Treasons committed out of the Kings dominions" does not extend and cannot but by an arbitrary and cruel construction of the said Act be construed to extend to Treasons. Misprisions of Treasons or concealments of Treasons committed in any of His Majesty's Colonies. where there is sufficient provision by the Laws of the Land. for the impartial Trial of all such persons as are charged with. and for the due punishment of such as are convicted of these Offences

Resolved Nemine Contradicente That an humble dutiful and a loyal Address be presented to His Majesty to assure him of our inviolable attachment to His Sacred person and Government and to beseech his Royal Interposition as the Father of all his People however remote from the seat of his Empire To quiet the minds of his loyal subjects of this Colony and to avert from them. those dangers and Miseries. which will ensue from the Seizing and carrying beyond the sea any person residing in America. suspected of any Crime whatsoever. to be tried in any other manner than by the Ancient and long Established Course of proceeding

A true Copy extracted from the Journals of the Commons House of Assembly

Thomas Farr Junr Clerk

Read 17 Nov 1769

B. P. R. O. B. T. South Carolina vol 22

O. 24 (No 15) Charles Town 29 Augt 1769

To the Right Honble The Earl of Hillsborough

My Lord

Lord Charles Montagu having sent two Messages to the Assembly recommending to them to provide for Barrack necessaries for the Kings Troops. his Majesty's 21st Regiment and one Company of Royal Artillery lodged in our Barracks, I have the honor to acquaint your Lordship that on the 23rd inst. just before I required the attendance of the Commons House of assembly in the Council Chamber in order to give my assent to such Bills as were ready. I received a Message from the Assembly relative to Lord Charles's Requisition, a copy of which Message I have inclosed to your Lordship. that it may be laid before the King, and I may be honored with His Majesty's commands thereupon. I have the honor to be with the greatest respect, My Lord

Your Lordship's

Most obedt & most humble Servant

Wm Bull

Recd / Read } 17 Nov 1769

(Inclosure)

O. 25 Copy of a Message from the Commons House of Assembly to the Lieut Governor on the 19th Augt 1769 respecting Barrack provision. In the Lieut Governors letter No 15. Read Novr 17th 1769

B. P. R. O. B. T. South Carolina Vol. 22

O. 26 (No. 16) Charles Town 7th Septr 1769

To the Right Honble The Earl of Hillsborough

My Lord

As the packet sails to day I do myself the honor of writing to your Lordship, altho' I have nothing material to add to my preceding Letters, unless that our Back Settlers lately upon the appearance of Four Marshall's men among them have again obstructed those officers from doing their duty, and they persist in their Resolution not to be drawn down to Charles Town by Law suits, where by High Fees and unprofitable sale of their lands and Chattels, so far from their homes they are often ruined, without being able thereby to pay their Creditors, which would have been sufficient under other management I flatter myself that these Greivances, with such as Lord Chas Montagu will be able more fully to explain, will obtain His Majestys most Gracious approbation of the Circuit Court Act, which his Lordship carried home with him, and will put an happy end to all those discontents in our back settlements on that account, which give great Interruption to their Industry and prosperity. Yesterday Coll. Maxwell with His Majesty's 21st Regt embarked and will sail tomorrow for Augustine, where these Transports are, after landing the 21st to take on board the 9th Regiment in order to proceed to Cork. It would be great injustice in me not to mention to your Lordship the Good order which Major Chisholm

(while)

while he commanded and afterwards Coll. Maxwell. have preserved in the King's Troops. lately quartered in our Barracks. which your Lordship will observe is candidly acknowledged in the inclosed Message from the Assembly to me. and which Testimony carries the more honorable credit. in these times of Jealousy when the least irregularity in the behaviour of Gay young Officers. which frequently happens in Towns in England where Troops are quartered. have in America been lately aggravated into alarming intentions to insult the Laws of the land. and the Liberty of the Subject. Thó this may appear to be of small consequence I am sure it will afford your Lordship pleasure to hear of it. I have the honor to be with the greatest respect My Lord

Your Lordships
Most obedt. and most humble Servant
Wm Bull

O.27

The South Carolina Gazette [No 1761]
Thursday June 22nd 1769

The Carolina and General Gazette
Augt. 26 to Sept. 2. 1769

B. P. R. O. America and West Indies vol 225

No 17 Charles Town 25 Sept.r 1769

To the Earl of Hillsborough

My Lord

Nothing new hath arisen in this province since the last letter I had the honor of writing to your Lordship. The signing the Association for non-importation of English Goods is still unfortunately carried on and as some have had integrity and resolution to withstand their private intimidating and flattering arguments for signing as being contrary to their opinions and conscience the General Committee for the Association resolved that the names of the non subscribers, exclusive of the officers of the crown, should be printed on hand Bills to shew the smallness of the number, and perhaps to hold them up to public view as men who were not friends to America. several have attacked this measure of the Committee in print. I have taken the liberty of sending to your Lordships one of our Gazettes which contains the sentiments of Mr Wragg on that occasion as he is a Gentleman whose name & character has lately been honored with your Lordships notice, in a most distinguishing manner, of which I beg leave to assure your Lordship that he entertains a most grateful sense. I have the honor to acquaint your Lordship that by Letters from Mobille dated 13th and 14th of August. brought overland thro' the Indian Country, we have received Accounts (confirmed since by a Vessel from Pensacola) that a few days before 22 sail of Spanish Vessels with 4400 men besides

(many)

many Artificers had arrived from Old Spain at the Balise the navigable Embouchere of the Mississippi. that on the news of this arrival the French malcontents at New Orleans. shewed a reluctance to submit to the Spanish Governor but on M de Bellago's letters to Mons D'Aubry the French Commandant. being read to them requiring that the place should be quietly delivered up to him. threatening in case of refusal to take it by force of Arms at the same time promising pardon for what was past. in case he entered quietly into possession. the French commotion subsided and the Spanish Governor took quiet possession of the Town. and all the late French Louisiana It is said the Spaniards carried 400,000 pieces of Eight in Specie. many of which will soon find their way into West Florida which may prove a source of considerable. perhaps the Chief Benefit of that Infant Colony for some time, as agriculture makes but slow advances in Countries where the soil and Climate are untried altho' it may be probable that the planter will receive no check or interruption from the neighbourhood of Spaniards. who are not actuated by such restless spirit of extending Territories. as we have experienced in the French while they were neighbours of His Majesty's Colonies I should not have troubled your Lordship with this Article of Intelligence which relates to another province. but as the opportunities of Correspondence from thence are not frequent I thought an early tho' perhaps not particular account would not be unacceptable to your Lordship. I have the honor to be with the greatest respect. My Lord. Your Lordships most obed.t and most humble servant.

Wm Bull

B. P. R. O. B. T. South Carolina Vol 22

O 28 Charles Town 26th Sept 1769

The Rt. Hon. The Lords Commrs for Trade and Plantations

My Lords

I have the Honor to transmit to Your Lordships copies of Eleven acts of assembly that were lately passed here with His Majesty's Great Seal of the Province affixed to each. one of the acts received the assent of Lord Charles Montagu the day before he embarked for England. and the other ten received mine on the 23rd day of August last. I have enclosed a List of their Titles, that your Lordships may at one view see the subject matter thereof. I shall transmit to your Lordships copies of the Journals of the Council and assembly as soon as they can be transcribed I have the Honor to be with the greatest respect, My Lords

Your Lordships

Most obedient & most humble Servant

Wm Bull

Recd 11 } Novr 1769
Read 17 }

O. 29 (Inclosed)

Titles of Laws passed 29 July and 23 August 1769

An Act for establishing Courts, building Goals and appointing of Sheriffs and other Officers for the more convenient administration of Justice in this Province passed the 29th of July 1769.

An Act for raising and Granting to His Majesty the sum of Seventy thousand three hundred and twenty six pounds seven shillings

shillings and two pence. and applying the sum of Thirty six thous^d five hundred and Eighty two pounds. Thirteen shillings and two pence being the balance of several funds in the Treasury. making together the sum of One hundred and Six thousand Nine hundred and nine pounds and four pence to defray the charges of this Government from the first day of January to the 31st day of December 1768 both days inclusive and for other services therein ment^d passed the 23rd day of August 1769. An Act for stamping and issuing the sum of one hundred and six thousand and five hundred pounds being the amount of the present lawful paper Bills of Credit now in this Province and for calling in and exchanging the paper Bills of Credit now outstanding which are a tender by Law in all payments passed 23rd of August 1769. An Act to encourage the discovery and apprehending of Housebreakers and buyers and receivers of Stolen Goods passed 23 Aug. 1769. An Act to incorporate the Society commonly called and known by the name of the Fellowship Society for establishing a fund for an Infirmary passed 23rd August 1769. An additional Act to an Act for establishing keeping and maintaining a Watch company for preserving good order and regulations in Charles Town & increasing the number to 108 men Officers included passed 23rd Augt 1769 An Ordinance appointing Commissioners for repairing the Bridges over Wappoo Creek in the Parish of St Andrew and Coosa-watchee Creek lying between the parishes of Prince William and

(Saint)

Saint Luke passed 23rd August 1769. An Act for the preservation of Deer and to prevent the Mischiefs arising from hunting at unseasonable times. passed 23rd August 1769. An Act for reviving and continuing an Act intitled an Act to empower certain Commrs therein mentioned to keep clean and in Good order the Streets in Charles Town, and for establishing certain regulations in the said Town and for repealing the Eighth and part of the seventeenth Clauses of an Act commonly called the General duty Act passed 23rd August 1769. An Act for establishing a Ferry at the two Sisters Bluff on Savannah River, and for laying out, making and keeping in repair a public road from the said Bluff to the main road leading from Coosawatchee to Purrysburgh passed 23 Aug 1769. An Act for laying out a Street in Ansonborough and the parts adjacent thereto, by the name of Boundary Street passed 23rd aug 1769.

B. P. R. O. America and West Indies Vol 225

(No. 18)   Charles Town 4th Oct. 1769

To the Earl of Hillsborough

My Lord

I am honored with Your Lordships letter No. 27 to Ld. Charles Montagu. inclosing His Majestys additional instruction relating to public and private Lotteries to which I shall pay the most punctual obedience. The civilising the Indians which your Lordship in your letter No. 28 are pleased so wisely to approve and strongly to recommend deserves our serious attention. Mr. Hammerer as your Lordship has been informed. has made some attempts tho' not as yet attended with the success his diligence merits. or a perseverance may effect. to instruct some children of the Cherokees. for the assembly having given him encouragement only for one year. and the Indians contributing nothing to His support (Your Lordship may smile to think his expensive living among the Indians) he was obliged to retire from thence. and lives within the Indian Boundary line in our back settlements. and still has a few Indian children with him. I intend that the assembly shall sit for the dispatch of Business. the end of next month at which time I shall propose to them to take into their serious consideration the state of our Indian affairs. the regulation of the Trade. the the restraining the frequent Intrusions on the Indian hunting grounds. and other injurious practices of many of our Back in-habitants. who chuse to live rather by the wandering indolence

(of)

of hunting than the more honest and domestic employment of planting whereby the Indians are deprived of their deer and Beaver, their only means of purchasing Cloaths and which gives them so much jealousy and just cause of complaint, and on some unlucky act of violence or resentment may endanger the public peace of our Frontier settlements The civilising the Indians as well as our own people will come very properly under the deliberation of the assembly upon Indian Affairs as well as what uses the Frontier Forts may be of therein The establishing a line of Jurisdiction between the Provinces of North and South Carolina which your Lordship is pleased to mention as being very nearly fixed for his Majesty's Royal Confirmation. will afford much satisfaction to the settlers near the Borders, as property and civil duties there at present are in confusion for want thereof and I with pleasure acquaint Your Lordship that the actual survey of this province for an exact Map. which was undertaken at the expence of near £3000 Sterling voted by the assembly for that purpose is now near compleated. Yesterday Col Maxwell with about 150 of his Majesty's 21st Regiment (who sailed about 3 weeks ago with two other Transports for St Augustine) returned to this Harbour to refit. the Vessel was twice driven to the Southward of St Augustine and on the 22nd of September Anchored off that Bar. but by a violent Gale of Wind parted from her anchor and stood off to sea and on the 28th inst with a most violent Gale of Wind near St Simons, near the Shore, where he was obliged to cut away some of his Masts and sprung a Leak. He expects to

(be)

be able to put to sea again in fourteen days Upon his arrival I had the Barracks cleared for the reception of the Kings' Troops and supplied them with wood at the public expence The other Two Transports tho' in danger from the Storms it is believed are safe. tho' they have not yet appeared here. As His Majesty's packet Boat diligence arrived here from Pensacola 3 days ago. I shall not trouble your Lordship with any further intelligence from that Quarter. I have the honor to be with the greatest respect. My Lord

Your Lordship's
Most obedient and Most humble Servant
Wm Bull.

B. P. R. O. America and West Indies Vol. 225

(No. 29.) Whitehall 4th Nov. 1769

To Lieut Governor Bull

Sir

The experience the King had of your fidelity and discretion, in the administration of the Government of South Carolina, before the appointment of Lord Charles Montagu, leaves no room to doubt that His Majesty's service in that province, will on the present occasion, be conducted with equal advantage to the public, and honor and satisfaction to yourself. The suspension of the payment of the Fines inflicted upon the poor Germans, as mentioned in your letter of the 12th of August is an act of humanity much to be commended, and I make little doubt that I shall be justified by the opinion of the Lords of the Treasury to whom your Letter and the Delinquents petition have been communicated, in moving His Majesty that the said Fines may be entirely remitted

I am &c

Hillsborough

B. P. R. O. America and West Indies Vol 225

Whitehall 4th Novr 1769

To the Lords of the Treasury

My Lords

I have the honor to enclose to your Lordships, for your consideration the inclosed extract of a Letter I have received from the Lieut. Governor of South Carolina and copies of the papers therein referred to, relative to a suspension by the said Lieut. Governor, of the payment of certain small Fines, inflicted upon four poor Germans, in the case mentioned in those papers. The well judged humanity of the Lieutenant Governor, in the suspension of the payment of those fines appears so evident, and what he recommends is so reasonable, that I shall think it my duty, unless your Lordships signify to me, any objection in respect to His Majesty's Revenue, to take His Majesty's pleasure for the absolute remission of the Fines

I have &c

Hillsborough

B. P. R. O. B. T. South Carolina Vol 29.

22 Nov.r 1769

To the Kings Most Excellent Majesty

May it please Your Majesty

We have had under Our consideration an Act passed in Your Majesty's Province of South Carolina in July 1769 intituled "An Act for establishing Courts, building Goals and appointing Sheriffs and other Officers for the more convenient Administration of Justice in this Province." Whereupon we humbly beg leave to represent to your Majesty That an act of Assembly, entitled as above having been passed in this Province in April 1768 and the same having been disallowed by your Majesty on account of certain observations and objections stated in our humble Representation of the 15th of Septem.r following, your Majesty in consideration of the many Benefits, which your subjects in this Colony would derive from the Establishment of Circuit Courts was pleased on that occasion to direct your Governor to be made acquainted with the reasons which operated for the repeal of that Act, instructing him at the same time to give his assent to another Act for the same General purposes, provided it was amended in all such particulars wherein the former act was found to be exceptionable and made conformable in all points to Your Majesty's said Instructions, in consequence whereof Your Majesty's said Governor has assented to the Act now submitted which does appear to us clear of those objections upon which the (former)

former one was repealed The provision made for the support of the several Officers of Justice concerned in the Execution of this act is ample and sufficient and in some cases considerably more than was proposed by the former law. The Salaries and allowances are likewise not granted personally or conditionally but in conformity to Your Majesty's Instructions made permanent and annexed to the Offices, except only in the case of the Clerk of the Common pleas, to which Officer an allowance of £300 ℘ annum is granted to cease with his Office whether the same shall be determined by decease or otherwise in order then to make way for a regulation, proposed by this act for establishing a seperate Clerk of the Common pleas for each district to execute his function in the Business thereunto belonging, in like manner and with the same Emoluments as the present Clerk of the pleas will be entitled to for the like Business done upon the said Circuits. the said several Clerks of the Common pleas to be appointed by Your Majesty's Governor or Commander in Chief for the time being.

This may it please your Majesty is the only particular in which this Act appears in any degree to deviate from Your Majesty's Instructions. but as this Clause appears to be inserted with no other view. than for the better accomodation of the Province in general and to render this Law in its operation more perfect and beneficial we humbly conceive that your Majesty will not consider it as a Circumstance important enough to be induced thereby a second time to repeal An Act wherein the Welfare and prosperity of

(Your)

your Subjects in this province are so intimately concerned. and as the establishments proposed by this Act for the better Administration of Justice in the back settlements are represented to be a matter of the pressing necessity in the present situation of that Colony (as will appear by an Extract from Lieut. Gov.r Bulls letter of the 7th. of September last copy whereof we beg leave hereunto to annex) We do for these reasons think it our duty humbly to recommend the above Act to your Majesty for your Majestys Royal confirmation and allowance

Which is most humbly submitted

Hillsborough

Soame Jenyns

Wm. Fitzherbert

Thomas Robinson

Lisburne

B. P. R. O. B. T. South Carolina Vol 23
P. 29

At the Court at St James's the 29th November 1769

Present

The King's most excellent Majesty in Council

Whereas by Commission under the Great Seal of Great Britain the Gov-
ernor Council and Assembly of His Majesty's province of So. Carolina
are authorised and Empowered to make, Constitute and Ordain Laws
Statutes and Ordinances for the public peace Welfare and Good Gover-
nment of the said province which Laws Statutes and Ordinances are
to be as near as conveniently may be agreable to the Laws and Sta-
tutes of this Kingdom and are to be transmitted to His Majesty for
His Royal approbation or Disallowance. And Whereas in pursuance
of the said powers an Act was passed in the said province in July
1769 intituled as follows Viz: "An Act for Establishing Courts. buil-
"ding Goals. appointing Sheriffs and other Officers for the more conve-
"nient Administration of Justice in this province." Which Act having
been considered by the Lords Commissioners for Trade and plantations
and by them presented to His Majesty at this Board as proper to be
approved. His Majesty was thereupon this day pleased with the ad-
vice of His privy Council to declare his approbation of the said Act
and pursuant to His Majestys Royal pleasure thereupon expressed
the said Act is hereby confirmed, finally enacted and ratified accor-
dingly. Whereof the Governor or Commander in Chief of His Majtys
(said)

said province of South Carolina for the time being and all others whom it may concern are to take notice and Govern themselves accordingly.

Rec^d} 21 Dec 1772
Read}

B. P. R. O. America and West Indies Vol. 225

Treasury Chambers 29th Nov. 1769

To John Pownall Esqr.

Sir

Having laid before My Lords Commissioners of His Majesty's Treasury a Letter from the Earl of Hillsborough with inclosures acquainting My Lords that the Lieutenant Governor of South Carolina had suspended the payment of some small Fines inflicted upon four poor Germans, and that unless My Lords signify to His Lordship any objection in respect to the Revenue he shall take His Majesty's pleasure for the absolute remission of the said Fines. I am commanded by My Lords to acquaint you for the information of the Earl of Hillsborough that they agree with his Lordp that the said Fines should be remitted. I am Sir

Your most obedient humble Servant

Thos Bradshaw

B.P.R.O. America and West Indies Vol 225

(No. 30) Whitehall 30th Nov. 1769

To Lieut. Governor Bull

Sir

I have not failed to take the first opportunity since my letter to you of the 4th inst to lay before the King the petition of the Four Germans transmitted to me with your letter of the 12th of August and I am Commanded to signify to you that His Majesty is graciously pleased upon consideration of the favorable Report you make of these Delinquents to remit the Fine which each of them was sentenced to pay by the Court of General Session in April last. you will therefore take the proper steps to have His Majesty's Clemency to these persons carried into effect in such manner as is usual in cases of the like nature. I must not omit the opportunity of acquainting you that your Despatches Nos 14. 15. 16. 17 and 18 were received on the 10th instant and have been laid before the King and that I am commanded by His Majesty to communicate those which relate to the Resolutions and proceedings of the assembly in their last Session, and to the association of the Merchants against importing Goods from Great Britain to such of His Majesty's servants as are usually consulted upon affairs of the greatest importance. in order that His Majesty may receive their Advice thereupon in the meantime I have the satisfaction to acquaint you that the King approves of your reasons for not

(having)

having put a stop to the proceedings of the Assembly by a dissolution or prorogation. I have the further satisfaction to acquaint you that the Board of Trade has this day made a Report to the King in Council recommending the confirmation of the Act for establishing Courts, and I will not fail to give you the earliest notice of the Resolution which shall be taken in Council thereupon

I am &c

Hillsborough

B.P.R.O. America and West Indies Vol 226

Charlestown 5 Dec 1769

To the Earl of Hillsborough

My Lord

As I presume it may not be unacceptable to your Lordship to see how the Arguments against the Legality and the propriety of the American Associations for the non-importation of European Goods are understood and stated by some in this province I have taken the liberty of transmitting to your Lordship one of our Gazettes which contains Mr Wraggs reply to an answer to his first public Letter on the printing the Names of the Non subscribers The answer was very prolix I shall not therefore trouble your Lordship with it as the material parts of it are sufficiently tho' briefly recited by Mr Wragg in order to refute them. How far Mr Wragg has succeeded therein or at least has displayed a disinterested Zeal for the Government and a competent of our Constitutional Laws must be submitted to Your Lordships superior Judgement. I have the honor to be with the greatest respect My Lord, Your Lordships

Most obedt and Most humble Servant

Wm Bull

[Inclosure] The South Carolina Gazette [No 1783]

Thursday November 16th 1769

B P R O B T South Carolina Vol 22
O. 34

Charles Town 5th Dec 1769

To the Rt Hon The Lords Commrs for Trade & Plantns

My Lords

In obedience to His Majesty's Royal Instructions, I have the honor to represent to Your Lordships the state of Improvement at which the Staple and other Branches of the produce of this Province hath at present arrived I have therefore enclosed for your Lordships perusal a particular account of the Exports for one year with the prices as generally sold in Charles Town this year. I have distinguished in a separate account such Articles as are sent to Britain, either directly or by way of Portugal and Spain That your Lordships may know the means employed therein I now add the number of White people which is about Forty Five thousand and above Eighty thousand Negroes. The quantity of Land possessed by Residents (altho' all is not cultivated) is Two Millions Five hundred & Ninety one thousand Seven Hundred and sixty two acres as returned in last years Tax. I beg leave to add an Article, as a means of encreasing our Agriculture, the importation of Negroes, which since the first day of January last is Five thousand Four hundred and Thirty Eight, and sold here for about Two hundred thousand pounds sterling which Negroes are purchased in Africa chiefly by European and India Goods sent by Merchants residing in London, Bristol and Liverpool. Hemp is yearly increasing in quantity and quality this year alone Five

(hundred)

hundred and twenty six thousand one hundred and thirty one pounds weight was brought to Charles Town and received Provincial Bounty amounting to Two thousand five hundred pounds I must further acquaint your Lordships that near two fifths of this Hemp was worked up in this province Silk raised here is found to be very good and I flatter myself will be effectually established in this province under the parliamentary Encouragement seconded by some aid from this province Wine hath been produced in our back settlements from European Grapes. One poor German has made Eighty Gallons this Autumn. Tho' the soil near the sea coast is flat. the Country at about Sixty or Eighty miles from the Sea is high and very well adapted for the Culture of Vines. our Tobacco and Flour need only Regulations by Laws to render them more merchantable I presume it will not be unacceptable to your Lordships to receive some Account of the success of two settlements of poor protestants one of French. who came over in 1764. and a large body of Germans in 1765. both under the Royal patronage the latter particularly at the Expence of a number of private Gentlemen in London. They both have now My Lords surmounted the difficulties that naturally attend all new Settlers especially in a Country where they were strangers to the Climate and language. by their Industry they now enjoy all such conveniencies as are to be met with in the humbler state of life. comfortable houses. Orchards. plenty of provisions stocks of Cattle Hogs. poultry. horses for labour. they now raise more than they can consume and consequently yearly add to

(their)

their Capital some raise hemp and some flour. they are loyal subjects and very useful and orderly members of the community. retaining a grateful sense of the Royal and private English Charity which placed them in the way of attaining by their own Industry this happy situation. and I persuade myself their happy situation must afford the greatestest satisfaction to. as it was the only benevolent view of those Gentlemen who contributed so nobly and effectually to their establishment in this province. I have the honor to be with the greatest respect My Lords

Your Lordships
Most obedient and most humble Servant
Wm Bull

Recd 30 Jany } 1770
Read 31 . }

[Inclo.] Account of the Quantity and value of Goods raised in & exported
O.35 from the province of South Carolina from 1 Novr 1768 to 1 Novr 1769 at the port of Charles Town

The Goods	The Quantity		The prices	Amot in Stg money		
Rice	123317	Barrels @	£2. 5/	277463	5	
Butter	789	Firkins @	2. 2. 6	1676	12	6
Beef	318	Barrels @	1. 3	365	14	
Pitch	6106	Barrels @	7	2137	2	
Candles	116	Boxes @	7. 6	43	10	
Indian Corn	65751	Bushels @	2	£ 6575	2	
			Carried over	£ 288261	5	6

Brought Forward £ 288261 . 5 . 6

The Goods	The quantity		The prices	Amo.t in St.g money £	s	d
Soap	116 Boxes	@	£ . 7 . 6	43	10	
Turpentine	4616 Barrels	@	12	2769	12	
Rosin	80 Barrels	@	19	76		
Bees Wax	14470 lbs	@	10d	602	18	4
Tanned Leather	2413 Sides	@	1 . 12 .	3860	16	
Ground Nuts	810 Bushels	@	2 . 2	87	15	
Pork	2179 Barrels	@	17	1852	3	
Raw Hides	392	@	4 . 6	88	4	
Tobacco	214210 lbs	@	15 p cwt	1606	6	6
Hoops	6900	@	2 p hd	6	18	0
Pinkroot	8550 lbs	@	8d	285		
Orange Juice	100 Gall.ns	@	3	15		
Deer Horns	3 Cases	@	2 . 0 . 0	6		
Reeds	62470 p hund.d	@	3	93	14	
Horses	269	@	3 . 0 . 0	807		
Hogs Lard	19 Kegs	@	15	14	12	6
Rough Rice	1624 Bushels	@	1 . 8	135	7	
Spirits of Turpentine	24 Barrels	@	4 . 10 . 0	108		
Beaver	1120	@	3 . 6	196		
Indico	380570 lb	@	3 . 6	66599	15	
Hemp	290095 lb	@	1 . 3 p cwt	3336	2	6
Oranges	39 Barrels	@	1 . 15	68	5	
			Carried over £	370910	4	4

Brot forward £ 370910 . 4 . 4

The Goods	The Quantity	The price	Amot in Sterg money		
Tar (common)	114 Barrels @	£ 0 . 5 . 0	£ 28	10	0
Do (Green	1532 " @	0 . 9 . 3	708	11	0
Staves	229500 ₱ thousd @	5 . 0 . 0	1147	10	0
Ship bread	898 barrels @	1 . 6 . 0	1167	14	0
Rum	7 Hhds @	11 . 3 . 0	78	1	0
Timber, plank, boards &c	678350 feet @	0 7 ₱ hund feet	2734	4	6
Flour	2754 Barrels @	1 . 17 . 6	5163	15	0
Calf Skins	31 dozen @	2 . 0 . 0	62	0	0
Shingles	1,987,000 ₱ thousd	14 . 6	1440	11	6
Potatoes	1580 Bushels	0 . 10	65	16	8
Bricks	42800 ₱ thousd @	1 . 0 . 0	42	14	6
Deer Skins	184221 lbs @	0 . 2 . 0	18422	2	
Cow Horns	610 ₱ hundred @	0 . 6 . 0	1	16	9
Racoon Skins	313 @	0 . 0 4	5	4	4
Furs	40 bdles @	3 . 0 . 0	120	0	0
Raw Silk	1074 lbs @	1 . 0 . 6	1039	7	0
Indico Seed	15 Bushels @	0 . 15 . 0	11	5	0
Bacon	4650 lbs @	0 . 0 . 4	77	10	0
Oats	100 Bushels @	1 . 8	8	6	8
Sheep Skins	4 dozen @	14 . 0	2	16	0
		Total	£ 403238	11	3

(Of)

Of the preceding Articles, are sent to Europe

What place	Goods sent	Quantity		The value	Amot in Stg money		
Gt Britain	Rice	73307	Barrels	£164940. 15. 0			
	Indigo	375010	lb	65626. 15. 0			
	Hemp	161019	lb	1851. 15. 0			
	Pitch	6106	Barrels	2137. 2. 0			
	Turpentine	4616	.	2769. 12. 0			
	Rosin	80	.	76. 0. 0			
	Bees Wax	14470	lb	602. 18. 4			
	Raw Hides	392		88. 4. 0			
	Tobacco	214210	lb	1606. 6. 6			
	Pinkroot	3550	lb	285. 0. 0			
	Beaver	1120	.	196. 0. 0			
	Tar (common)	114	Barrels	28. 10. 0			
	Tar (Green)	1532	.	708. 11. 0			
	Deer Skins	184221	lb	18422. 2. 0			
	Racoon Skins	313		5. 4. 4			
	Furs	40	Bundles	120. 0. 0			
	Raw Silk	1014	lb	1039. 7. 0	260504	2	2
Portugal	Rice	24264	Barrels	. . . . .	54594	0	0
Spain	Do	5046	.	. . . . . £	11353	10	0
				Total £	326451	12	2

B. P. R. O. B. T. South Carolina Vol 22

No 19 Charles Town 6 Decr 1769

To the Earl of Hillsborough

My Lord

Nothing hath happened either relative to the disturbances in our back settlements or the General Association, since I had the honor of writing to your Lordship I am therefore only to acquaint your Lordship that I opened the session of General Assembly the 28th of last Month. I recommended to them the regulation of Indian Affairs and to divert them from the invidious idea of introducing American Manufactures in prejudice to those of Great Britain I have pointed out to them the inviting plan of improving our Agriculture in such Articles Silk Wine, Hemp, Tobacco, and Flour which will be of real and Mutual Benefit to both the Mother Country and this Colony I with design avoided mentioning the reciprocality of advantage which in the present unhappy temper of the times would rather slacken than enforce their attention. The Assembly have appointed Committees to prepare heads of Bills upon each Article recommended, to be reported to the House after the Holidays. Tho' the people persevere under much inconvenience to trade in the strict observance of the association they look with impatient anxiety for the hoped repeal of the Act complained of. I think it my duty to lay before your Lordship a general state of the produce + exports of this province as well as the numbers of hands and acres of Land employed therein, tho' the quantity of Land includes

(more)

more than is planted for it is all that is possessed by the Residents and returned in the General Tax The Number of White People is about 45000 and of Negroes somewhat above 80000 and the number of Acres returned in the Tax last year 2.591.762 The amount of Exports from the port of Charles Town in one year from the 1st of November 1768 to the 1st of November 1769 is £404.056 Sterling exclusive of Beaufort and George Town where they are inconsiderable Of this sum about £326.451 is sent either directly to England or by way of Portugal and Spain The only Article of Import I shall mention is that of Negroes as they increase the means of Agriculture Since the 1st of January last at which time expired the prohibition to import them 5438 Negroes have been imported which being mostly Adults for immediate Service sold upon an average near £40 Sterling each amounting to the great sum of £200.000 sterling purchased in Africa chiefly by British merchants residing in London, Bristol and Liverpool. I have laid before the Rt Hon. The Lords Commrs for Trade and Plantations a very particular account of the sundry Articles exported, and the prices which may give Your Lordship a more exact view if it is necessary I cannot quit this subject without informing Your Lordship that tho' only 290.095 weight of Hemp has been exported 526131 weight have been made this year upon which the Provincial Bounty paid to encourage the raising of Hemp amounted to £2500 Sterling and it is with plea-sure I further acquaint your Lordship that a poor German who lives 180 miles from this Town made 25 Gallons of wine from

(European)

European Grapes last year, and has increased the quantity to 80 galls. this year. and has extended his Vineyard in proportion. The Wine is not very Good but two cause are assigned for that defect. Viz.t the vines being young and the Grapes being gathered before they were Ripe (to save them from the young people in the neighborhood who preyed on them more ravenously than the Birds) and are not therefore reasons to discourage the proceedings upon Wine. As I think this poor Saman is bona fide entitled to the bounty promised by the honorable society in London for promoting arts &c for vines planted in America I shall endeavor to assist him in obtaining the same. Yesterday Major Whitmore with His Majesty's Ninth Regiment sailed for Cork I think it proper to acquaint Your Lordship that the Catawba Indians, for whom a Tract of above 150,000 acres of Land on the Wateree River hath been surveyed and reserved, have been invited by the Cherokees and Creeks to quit their present habitations and join them The Catawba's I am informed seem now inclined to join the Cherokees altho' the Boundary Line between No. Carolina and South Carolina is not yet determined and it is not yet known in which Colony that Tract will fall I take the liberty of mentioning the matter thus early to your Lord.p that the disposal of that Tract of Good land may not be anticipated, but receive His Majesty's Gracious pleasure thereupon whenever those Indians quit that Settlement I have the honor to be with the greatest respect My Lord, Your Lordships

Most obed.t and most humble Servant

Wm. Bull

B.P.R.O. America and West Indies Vol 225

(No. 31) Whitehall 9th Dec 1769

Lieut. Gov.r Bull

Sir

In my letter to you of the 30th of last month I acquainted you that the Board of Trade had that day made a favorable Report upon the Act for establishing Courts. and I have now the satisfaction to inclose to you His Majesty's order in Council confirming it. to which I have nothing to add. but to desire. you will by the first opportunity transmit to me the names of such persons as you think properly qualified to be Associate Judges to the end that I may receive His Majesty's commands thereupon. I am &c

Hillsborough

B.P.R.O. B.T. South Carolina Vol 22

No 20 Charles Town 12th Decr 1769

To the Earl of Hillsborough

My Lord

I think it my duty to lose no time in communicating to your Lordship a vote of our assembly passed the 8th instant when they had my leave to adjourn till after the Holidays, and that it might have its effect with more secrecy, as well as expedition. it was in form of an order upon the Treasurer in the following Words Viz!

"Ordered that the public Treasurer do advance the sum of £10,500 "currency out of any money in the Treasury to be paid into the hands "of Mr Speaker, Mr Gadsden, Mr Rutledge, Mr Parsons, Mr Ferguson "Mr Dart and Mr Lynch who are to remit the same to Great Britain "for the support of the just and constitutional rights and liberties "of the people of Great Britain and America" with this sum was immediately purchased Bills of Exchange for £1500 sterling & will be sent by this the first conveyance. No particular use or Agent is mentioned in the Journals it is therefore probable that it is applicable to the purposes of the supporters of the Bill of Rights in London. from whose committee a solicitation for some aid was sent to this province and kept secret till the moment it was moved in the assembly Whether this solicitation is circular or peculiar to this province. your Lordship will soon be informed from the respective Governors. lest it may appear extraordinary to Your

(Lordship)

Lordship that the issuing money for such purposes and in such manner was not prevented by me. I must beg your Lordships patience while I explain the nature of the Treasury Business and the tenure of the Officer. From the great religious and Civil indulgences granted by the Crown to encourage Adventurers to settle in America. the Government of the Colonies has gradually inclined more to the democratical than regal scale. in former times it was the practice in this province on any Emergency to order the Treasurer by a Resolution concurred in by the Governor Council and assembly to issue the sum wanted from the Treasury and the assembly resolved to make provision to replace the same Bill since the late unhappy discontents and the universal extension of the Claims of the American Commons their power has risen to a great height and lately in this province as your Lordship may see in our Journals the mode of an Order in the Commons House to the Treasurer to advance money has been adopted. as less ~~less~~ liable to obstruction from the Governor or Council to their pursuing any favorite object. In this mode the only control to the Commons is an opposition made by the Council to the passing of the Bill. wherein the Money so advanced is to be provided for. in which matter a Stand hath several times been made by the Council who after much struggle have been in the end obliged to yield the point to the necessity of the times requiring supplies for the General Service. In our Epitome of the English constitution. I must beg leave to observe to

(your)

your Lordship the business of our Treasury has no resemblance to that of Great Britain We have no Officers therein but the Treasurer The only check upon him is a Committee of Council and the Assembly before whom the Treasurers accounts pass a very strict annual examination And I am further to take notice to your Lordship that the Treasurer who formerly had been appointed by the Commons House alone (as it is now practised in New York) is by an act passed in 1721 to be appointed by Law and consequently by the Governor Council and Assembly. This Law may be seen page 381 in the first vol of printed Carolina Laws which I sent to the Right Hon. the Lords of Trade a few years ago I humbly hope that from hence it will appear that I could not prevent this step in the assembly it is true I might have shewn my Resentment, by a dissolution but I am persuaded Your Lordship will think resentment without consequence to be of little avail in public as well as private concerns. and I have represented to your Lordship in my Letter No 111 that no change in men or measures would follow from a dissolution I shall now beg leave to acquaint your Lordship that I communicated in a private way the favorable sentiments entertained by your Lordship and His Majesty's other servants employed in the most elevated and confidential Stations relative to the repeal of the Act imposing duties on paper, glass and paint, they were received with great satisfaction as holding out pleasing hopes but had not the least effect towards even relaxing the Resolutions for non importation of English Goods which are to be rigidly observed till the repeal of the American

(Revenue)

Revenue Acts It was for this reason I avoided mentioning that agreable intelligence in my Speech at opening the session of assembly as I was unwilling to expose such bening and favorable inclinations to the hazard of any expressions which might hesitate the least diffidence in the immediate and effectual execution thereof, which have appeared in some addresses in our Neighboring Colonies. I have always conceived it to be my duty, and that His Majesty's ministers expect, that I shall not, in order to make my representations of our affairs appear more agreable, make them less consistent with the whole truth of their State, which is more especially necessary at this critical and important Juncture, big with present discontent and future hopes. When every event, occurence and even the general sentiments of the people are fully and truly laid before Your Lordship, your Lordships wisdom sagacity and Justice will be enabled to exert their powers more effectually to concert such measures as will maintain, the honor of his Majesty the Authority of Parliament and restoring and establishing, the true happiness safety, tranquillity & constitutional liberties of America. I have the honor to be with the greatest respect. My Lord, Your Lordships

Most obedient and Most humble Servant

Wm Bull

B P R O B T South Carolina vol 22

(No 21) Charles Town 16 Decr 1769

To the Earl of Hillsborough

My Lord

I beg leave to add to my Letter No 20. that it is probable that the next Tax Bill will hardly be ready for my assent before the middle of next May. I therefore humbly request your Lordship. in case it shall be His Majesty's pleasure that I observe any particular conduct on that occasion. that I may be honored with His Majestys Commands by some of the vessels that sail from London or Portsmouth about the middle of February. as well as by the packet. by which means I shall receive them with more certainty and expedition than if trusted to the packet alone. I have the honor to be with the greatest respect. My Lord

Your Lordships

Most obedt and most humble Servant

Wm Bull

B. P. R. O. B. T. South Carolina Vol 22
O. 32

At the Council Chamber Whitehall the 21st December 1769

By the Rt Hon The Lords of the Committee of Council for Plantation Affairs

His Majesty having been pleased by his Order in Council of the 4th of August last to refer unto this Committee several papers transmitted by the Governors of the Provinces of South and North Carolina to the Right Honble The Earl of Hillsborough one of his Majesty's principal Secretaries of State relative to a Boundary line proposed to be run between the said Provinces. The Lords of the Committee this day took the same into consideration and are hereby pleased to refer the said papers (Copies whereof are hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same and Report their opinion thereupon to this Committee

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[Inclosure] Copy of a Letter from Lord Charles Greville Montagu to the Earl of Hillsborough Dated Charles Town 19 April 1769

My Lord

The Boundary Line between this Province and North Carolina not being settled creates great disorder and confusion upon the Borders of each province and Governor Tryon having informed me that he had applied to your Lordship for a line to be run in a part of the (Country)

Survey

country that appeared to me would be a great injury to this Province I referred this matter to the consideration of the Gentlemen of the Council. whose Committee drew up a Report upon it which I transmit to you for your consideration. together with a survey taken upon the occasion. I am &c

Chas G. Montagu

[Inclosure]

The Committee to whom it was referred to prepare and Report such Reasons as may be proper to be urged in behalf of this Province. against the Boundary Line between this Province and North Carolina being continued as proposed by Governor Tryon in a Letter to his Excellency Lord Charles Montagu dated the 11th day of December last & also to delineate such a Line as would be reasonable and equitable between both Provinces

Report In order to proceed in the most deliberate manner in the examination of the important matter referred to their consideration they beg leave to state and hope to answer the objections made by Governor Tryon against making a Branch of the Catawba River the Line of Jurisdiction between No. and So. Carolina, and then to offer some Arguments. from the principles of policy in general. and others founded on Equity arising from the particular circumstances and conduct of this Province in support (thereof)

thereof. Governor Tryon represents the making a Branch of Catawba River the Boundary, as injurious to North Carolina. "first by shutting out all its communi-
"cation of Commerce with the Western Indians, having only impassible mountains
"as was experienced when the Western Frontier was run last year as the boun-
"dary between the Indians and North Carolina. Secondly as the whole of the
"Western Frontier Line run at the expence of £2000 would fall into So Carolina
"Thirdly for that by an Act of the last Session of Assembly all that Tract of
"Land to the Westward of the Catawba River, and to the South of Rowan
"County is formed into a County by the name of Tryon County, an inferior
"Court established and provision ordered for erecting a Court House Jails
"&c add to this Commissions issued for Justices of the peace and Militia
"Officers, and that the plan his Lordship transmitted with his Letter
"is prodigiously erroneous with respect to the South Branch of the Cataw-
"ba River, as its direction is not more by Mr Charlton's Map, and
"every other creditable information, than two or three points to the westward
"of north, its branches run far into Rowan County, and is cut off from
"the Cherokee Mountains, by the meanders of the Catawba River and the
"head Branches of the Broad River and that His Excellency Governor
"proposed a line to be continued a due West course from the point
"where the Line run in 1764 left off"

To the first of these three objections the Committee answer; that the line of partition cannot preclude the people of North Carolina from passing with Goods to traffic with the Indians whenever they may think proper to begin that Trade. The people of South Carolina

(in)

in their very large Trade with the Creeks. Chickesaws and Chactaws, have constantly and freely passed thro' the province of Georgia for these 38 years which liberty has lately been further secured to them by His Majesty's Royal Proclamation in 1763. relating to the Freedom of Trade with all Indians. To the second Objection it is answered, that great part of the expence therein mentioned was occasioned by the Jealousy of the then Governor of No Carolina lest the Line between the province of So Carolina and the Cherokees in 1765 should be carried into the province of North Carolina, and the Lieutenant Governor of South Carolina, from a respectful attention which he was willing to shew to Govr. Dobs remonstrance on the matter, ordered the Commissioners employed on that service, not to proceed in running the Cherokee Line beyond Reedy River, a natural Boundary, that was far within the undoubted Jurisdiction of South Carolina, rather than give umbrage to a neighboring Governor; or the least pretext to complain of any Trespass or encroachment even though the Jurisdiction of the lands lying to the Westward of the Catawba River, near which the Line of 1764 ended, were not settled by any Royal Instruction The Committee take leave to annex a paragraph of the Lieut. Governors letter to the Lords of Trade on this matter dated 15 March 1765 The third Objection founded on an Act of Assembly of North Carolina lately passed and other Acts in consequence thereof, it is conceived can have but little weight to the prejudice of South Carolina, as this province being sensible that the actual ascertaining the Bounds of Jurisdiction of His Majesty's provinces was solely an Exercise of

(Royal)

Royal prerogative accordingly forbore any attempts towards it without the Royal Command. notwithstanding the Trespasses committed by several of the North Carolina Deputy Surveyors. against whose proceedings complaints were made by our back Settlers to the Governor and Council of So Carolina. for coming very far beyond even the pretended continuation of the West Line of 1764. besides many other inconveniencies sustained in Civil as well as Criminal Matters. and as to any inconveniency mentioned by Governor Tryon to arise from the course of the South Branch of the Catawba River supposed to be erroneously laid down. the weight of such objection we conceive may better judged of. by a view of the Map of the course of the South and of the North Branch of that River. surveyed by Your Lordships direction. expressly to clear up this matter. and we further observe on the view thereof. that as the North Branch inclosing the Heads of the Broad River by its eastern Course from its source in the Mountains. appears to us to be the most proper Boundary as thereby the necessity of running any Line will be prevented. but if the South Branch is adopted there is a small space of Ground from its source. where the Latitude 35° 37 was taken to the Cherokee Boundary. thro' which it will be necessary to mark the Line. The Committee now beg leave to offer a few Reasons why it will be improper to make the continuation in a due West Course of the Line of 1764 to be the Line of Jurisdiction. by repeated observation of Latitude made by Mr Cook. employed by this Province to make a General Survey and a Map at the Expence of near £3000 (Sterling)

Sterling it appears that the Line run in 1764 which ends at the Salisbury Road near the Catawba River is eleven miles south of what His Majesty intended. by some mistake in the observation of Latitude taken by the Commissioners in 1764 by which Error this province loses about 660 Square Miles or 422000 Acres of land equal to one of the smaller counties in England. and as the length of the line proposed by Govr Tryon to be continued due West thro' the Woods is greater than the West line already run in 1764 and intended by the Kings Instruction to be run in the Latitude 35°. but erroneously run in 34° 49. there will be a loss to this province of near 600.000 Acres of Land more by the continued West line both together containing more land than two not the least Counties in England. If the Line is to be marked thro the Woods the Lands of many private people will be cut in two. part will lye in one province and the House in another which will be very inconvenient in payment of taxes and Quit Rents in Levying Executions ~~or~~ upon lands and many other matters which will be avoided by a Natural Boundary. If the Line of 1764 is continued due West. which is now found to be Eleven miles South of the 35° of N° Latitude. it will run several Miles South of Fort Prince George and lately thorougly repaired at a great expence to this province. which Fort has been and may be of Great use to this province. as a place of Arms in case of a Cherokee War and Savannah River to the South Boundary of South Carolina running a N. N West Course this continued West Line. will contract the Western parts of this province to a small

(Compass)

compass. reducing the shape of this Province almost to a Triangle & thereby this province will have but a small proportion of those rich lands. which are the most suitable for raising Hemp. which has by the Bounties given by this province been so happily introduced in the North West back settlements The Committee now proceed to adduce some reasons for including in South Carolina, the lands lying West of the natural Boundary of the Catawba River founded on the principles of General policy The Staple Commodities of South Carolina being Rice, Indigo and Naval Stores, and lately hemp, not rivalling or Interfering with the produce of Great Britain but being very advantageous to the Trade thereof it is humbly hoped whatever may tend to secure and promote the raising such beneficial Staples must merit the Royal attention. These kinds of produce cannot be raised & extended but by the labor of Slaves. supplied by the African Trade. is also very beneficial to Great Britain But the number of such Labourers, their condition of Slavery being apt to raise in them Ideas of an Interest opposite to their Master. becomes dangerous to the public Saftey. where the number of White men is over balanced by a superior number of Negroes, wherefore it has been the policy of South Carolina at great charge to give encouragement to the importation of Europeans as a counterpoise thereto, this measure tho' very constantly pursued, has not been adequate to the growing Evil which is the natural consequence of the growing prosperity of the province it is therefore very expedient to include in this province all those Settlers who live on Rivers whose Streams arise to the Westward of the Line of 1764 down which the Hemp Flour and lumber

(begin)

begin to be brought to Market at Charles Town at a less expensive carriage than the present general means of Waggons. Bounties are given by South Carolina to Hemp raised in this Province and many living North of where the West line proposed by Governor Tryon, have received our Bounties accordingly, and it is but Justice to mention the readiness which many of the back settlers expressed to have marched down to assist in suppressing the general Insurrection of our Negroes which was apprehended in 1766 and here let it be remembered that North Carolina is secure from this danger of Negroes. the White Men are vastly superior to the Number of Slaves in that province. I may be further observed that the opening an easy way down those Rivers to Markets where South Carolina produce may be bartered for European Goods, is the most likely way to prevent establishing Manufactories in those inland parts of home Materials for Home consumption. We humbly conceive that there are also many reasons why this Province should be strengthned by allotting this Body of lands now pretty well settled with White men, to South Carolina, because during the Cherokee War in 1760 and 1761 many of the inhabitants near those parts at the first consternation and ravages of the Indian Incursions fled into the Northern provinces, but several who ventured to defend themselves in Stockaded Forts were enabled to maintain their posts, by the Assistance of the Arms, Ammunition, Provisions & Clothing received from this Province, which the Journals of the Assembly making provision for the Expence thereof abundantly proves, and it is more than probable that a derelict County would not have been so

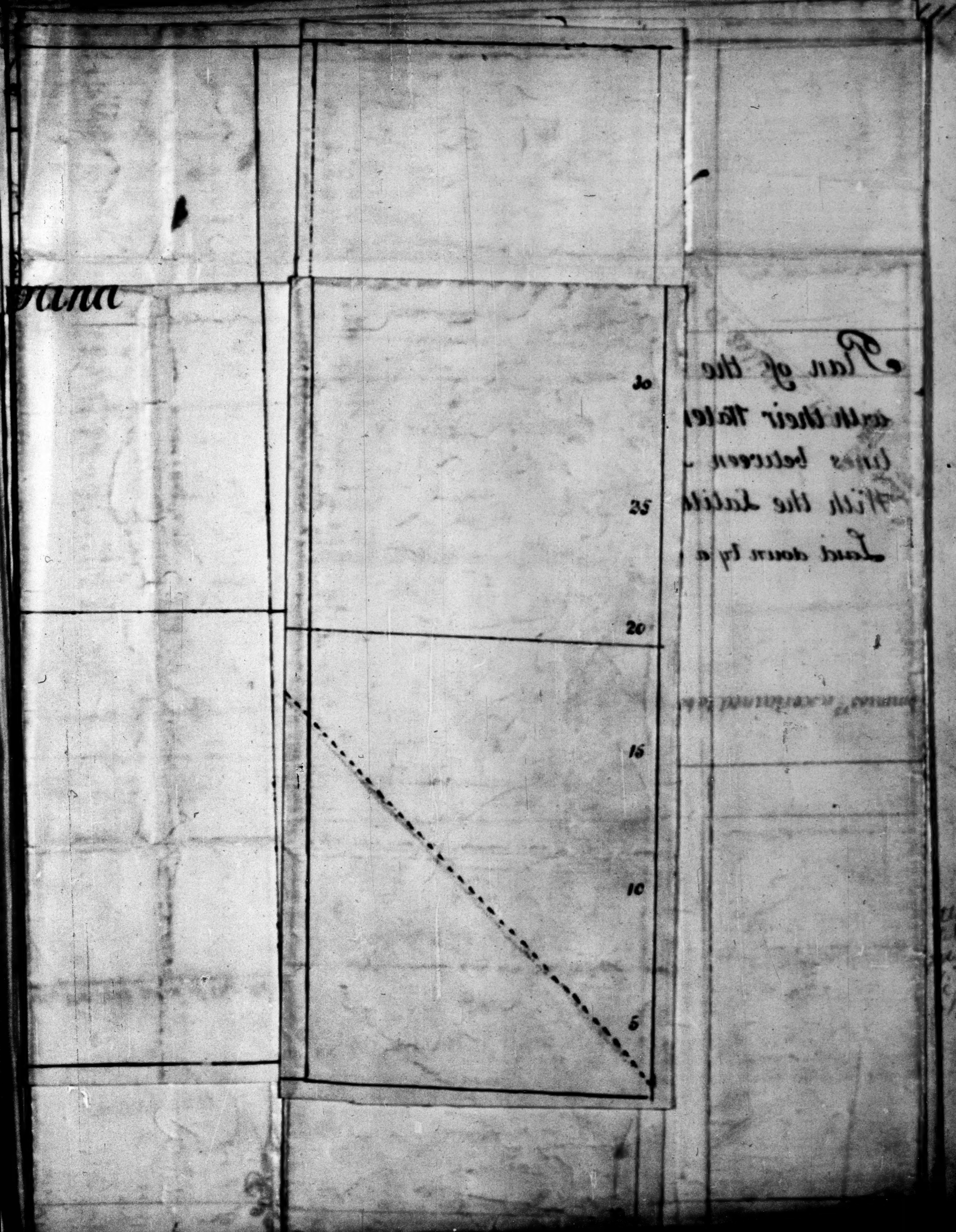
(soon)

soon or so well peopled if these Forts had not been thus supported These Forts were also covered by very large patrols of Horse Rangers in the pay of this Province traversing the Country from the Catawba to the Savannah River. As the Settlers imported at the Expense of this Province, are not now confined to Townships but are allowed to choose lands where they are most suitable to their minds, many have settled up the Broad River, whose upper branches be cut off from this Province, by this continuation of the line of 1764 in a West course, and several settlers imported at the expense of this Province thrown into North Carolina. It would be convenient and reasonable that the Catawba Indians should be comprehended in the proposed Boundary as a very useful Body of Men to keep our numerous Negroes in some awe. The Year 1766 afforded a very strong proof of their Utility, on such Services, for about the Christmas of 1765, many Negroes having fled into large Swamps, and other circumstances concurring, there was great room to apprehend that some dangerous conspiracy and insurrection was intended, and tho' the Militia was ordered on duty and were very alert on this occasion, the Governor thought it proper also to invite a number of the Catawba Indians to come down and hunt the Negroes in their different recesses almost impervious to White Men at that Season of the Year. The Indians immediately came and partly by the Terror of their Name, their diligence and singular sagacity, in pursuing Enemies through such Thickets soon dispersed the runaway Negroes, apprehended several, and

(most)

most of the rest of them chose to surrender themselves to their Masters, & return to their duty rather than Expose themselves to the Attack of an Enemy so dreaded and so difficult to be resisted or evaded, for which good Service the Indians were very amply rewarded. It is not improper to mention that this Province hath acquired powerful influence over this Tribe of Indians now our Inmates by a long Train of Acts of Friendship protection and liberality Their Complaints when injured by any White Man have been attended to and redressed by the Governor and in 1760 they consented to contract their Claim of Lands where their numerous Ancestors had long resided to a Spot of 15 Miles square on condition that this Province would be at the Expence of building a Stockaded Fort (which was immediately complied with) to secure their Women and Children while their Men accompanied the King's Troops and the Troops in the pay of the Province in the two Cherokee Expeditions, during which their Men were in the pay of, and their Women and Children were fed and clothed by this Province for proof of which we refer to the Journals of the Council and Assembly. The Committee having thus as they hoped impartially stated and maturely considered the matters referred to them, upon the whole are humbly of opinion and propose that the limits of Jurisdiction between the two Provinces of No and So Carolina run in 1764 ending at the Salisbury Road near the Catawba River, should be continued northerly along the said Lands to the Catawba lands, and then Easterly Northerly and Westerly around and along the line bounding the Catawba lands

(surveyed)


Plan of the
with their
lines between
With the Latit
Laid down by a
30
25
20
15
10
5

Plan of the Catawba and Broad Rivers
with their Waters and the proposed Boundary
lines between North and South Carolina
With the Latitudes as observed in different Stations
Laid down by a Scale of 4 Miles in an Inch 69½ in one Degree of ye Great Circle
Statute Miles
The Blue Ridge
White Oak Mountains
Quakers Meadows
Province of North Carolina
Part of the Province of South Carolina
Cherokee Indians
A North Line to Tryon or White Oak Mountain
The Cherokee Line North East
Catawba Nation
Second Broad River
First Broad River
Buffalo Creek
Kings Creek
Bullock Creek
Silver Creek
Hunting Creek
Hills
Green River
Tyger River
Fork of Tyger River
Enoree River
Pacolet River
Allison Creek
Miles to the Sea
This dotted Line marks the Parallel of 35° 00 No. Lat. and is consequently the true place of the Boundary Line

Blu

surveyed in 1763. till it intersects the Catawba River, and then to proceed along the North or Main Branch of the Catawba River to its source in the Cherokee Mountains

[Inclosure] Extract of a Letter from Lieut. Governor Bull to the Rt. Honble the Lords Commissioners for Trade and Plantations dated March 15th 1765:-

I have acquainted the Cherokees that according to their desire I shall send next June a Commissioner to meet them, and mark out the boundary between the English and them. As our Boundary with North Carolina is not ascertained so far West I must stop a few miles to the North of the Road, from Ninety six to Fort Prince George; Governor Dobbs of North Carolina has already expressed a Jealousy that in running this Boundary I shall perhaps give up some Lands in his Province, which he can by no means consent to, but I have acquainted him that I have no intention of going beyond the reputed Boundary of my own province tho' I hear the people of No Carolina are making quick advances to the foot of the Cherokee Mountains, which is the Chief hunting Grounds for the Lower Cherokees

[Inclosure] Letter from Wm Tryon Governor of No Carolina to Lord Charles Greville Montagu Governor of South Carolina, dated at North Carolina Brunswick 12 December 1768

(Printed in North Carolina Vol VII. p 879).

(Inclosure)

(Note: [illegible])

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[Inclosure] Extract of a Letter of Lord Charles Greville Montagu's to His Excell.y Governor Tryon, dated Charles Town 29th Nov. 1768

The occasion of my troubling you with this Letter, is concerning the boundary Line between our two provinces, the setling of which is so essentially necessary to both As you communicated to me the Temporary Line you proposed applying for to be run I beg leave in return to send you the Account of one I propose, which if you should concur in with me, your signifying the same by letter to Lord Hillsborough or authorising me to do it will much facilitate and expedite the setling it. I send you a few reasons at the same time for running it in the way that I have described, and for your better understanding me, a Sketch of it upon paper The Line to go from where the due W.st of 1764 intersects the Salisbury Road, along the Road till it intersects the South Bounds of the Catawba lands, and there round the Eastern Bounds of the Catawba lands till it intersects the Catawba River, and then proceed up that River to that Branch which is called the South Branch, and along that to its source in the Cherokee Mountains. Reasons for it 1st The Catawba's have often expressed their desire to be within this province which built a Fort for them and fed and clothed them and their Families during the Cherokee War. 2ndly The course of the South Branch is said to be nearly east from the Mountain and being a natural boundary will save the expence of surveying, and besides the Setlers in between the South Branch and the West Line were all defended by our Rangers and fed and clothed by this Province during the Cherokee

(War)

War. I should be very desirous we might agree upon this Plan, and I shall be always willing to concur with you in every measure that may be for the mutual Interest of the two Provinces

[Inclosure] Letter from Wm Tryon Governor of No Carolina to Lord Charles Greville Montagu, dated at Brunswick No Carolina 11 December 1768.
(printed in North Carolina Vol VII p. 876)

1770

B P R O B T Journals vol 78

Wednesday 3 Jany 1770

At a Meeting of His Majesty's Commrs for Trade and plantations

Present

Mr Jenyns and Mr Fitzherbert

. . . .

So & No Carolina Order of the Lords of the Committee of Council dated 21 Dec 1769 referring to this Board for their consideration and report Copies of several papers relative to a Boundary line proposed to be run between the provinces of South and No Carolina

. . . .

Thursday 25 Jan 1770

So Carolina Read a Memorial of Gilbert Ross and James Mill of London praying the confirmation of An Act passed in South Carolina in August 1769 "For incorporating a Society commonly called and known by the name of the Fellowship Society" Their Lordships took the said Memorial into consideration together with the Act therein referred to and some doubts having occurred in respect to the propriety of the said Act in point of Law, it was ordered that the said Act should lye bye for further consideration when it shall have been signified to which of His Majesty's Counsel at Law matters of such nature should be referred

. . . .

(Wednesday)

Wednesday 31st Jany 1770

So Carolina. Read a Letter from William Bull Esq Lieut Govr of South Carolina to this Board dated 5th Dec. 1769 giving an account of the State of the Province with respect to its produce and Inhabitants and of the flourishing condition of two settlements of French and German protestants. Account of the Quantity of Goods raised in and exported from the province of So Carolina from Nov. 1768 to Nov 1769 at the Port of Charles Town

. . . .

Thursday 8 Feby 1770

So Carolina. Read a Memorial of the Agent for South Carolina praying the Board to take such steps as they may think necessary for obtaining a continuance of the Bounty on Indico. Ordered that the Secretary do write to the Commissioners of the Customs for an Account of the Quantity of Indico imported from the British Colonies and the Amount of the Bounties paid thereon from Xmas 1763 to Xmas 1769

. . . .

Monday 19 February 1770

So Carolina. The Earl of Hillsborough one of His Majesty's principal Secretaries of State being present their Lordships read and considered an Order of the Lords of the Committee of Council for plantation Affairs on the 13th instant referring to this Board the Copy of a letter to the Earl of Hillsborough from the Lieut. Govr of South Carolina relative to a late very extraordinary Order of the Commons House of Assembly

(of)

of that province relative to the issue and remittance to Great Britain of Ten thousand five hundred pounds that Currency, for the support of the constitution of Great Britain and America. The Earl of Hillsborough at the same time communicated to the Board a case laid before the Attorney General relative to this transaction together with his opinion upon the said and certain questions grounded thereupon

. . . .

Wednesday 21st February 1770

So Carolina Mr Boone some time since Governor of the province of South Carolina attends on the subject of the Reference from the Committee of Council mentioned in the Minutes of the 19th inst. and states to their Lordships such information as he is able to give relative to the subject matter of the said order of Reference, so far as regards the practice and usage in Carolina of granting and issuing of public Money

. . . .

Friday 23 Febry 1770

So Carolina The Earl of Hillsborough one of His Majesty's principal Secretaries of State being present, the Order of the Lords of the Committee of Council on the subject of the late Extraordinary proceeding in the Commons House of assembly of South Carolina is further considered and a Report thereupon is agreed to and signed

. . . .

Friday 16 March 1770

So Carolina The Lordships resolved to take into consideration the

(Memorial)

Memorial of the Agent for South Carolina, relative to the expediency of a further continuance of the Premium on Indico imported from the Colonies

. . . .

Saturday 17 March 1770

So Carolina It was ordered that the Secretary should transmit a copy of the foregoing Minute to the Secretary to the Lords Commissioners of the Treasury in order that their Lordships might take such steps in respect to the Bounties proposed as they should think fit, and that he should signify in his Letter that this Board is of opinion that it would be advisable that the Bounty of Four pence per pound upon Indico should be continued for seven years longer

. . . .

Wednesday 4th April 1770

So Carolina Read an Order of the Lords of the Committee of Council for Plantation Affairs dated 3 April 1770 directing this Board to prepare and lay before their Lordships the Draft of an additional instruction to the Governor of South Carolina, to prevent the Assembly of that province from ordering public Money to be issued in the illegal and unconstitutional manner stated in a Report of the said Board on the 23rd of February last. The Draft of an Additional instruction conformable to the foregoing Order, having been prepared + approved a report therewith to the Lords of the Committee of Council was signed

. . . .

(Thursday)

Thursday 7 June 1770

So Carolina Their Lordships took into consideration an Act passed in the province of South Carolina in August 1769 intituled an Act "to incorporate the Society commonly called and known by the name "of the Fellowship Society and the said Act having been read together with Mr Jacksons Report thereupon their Lordships agreed to lay it before His Majesty for His Royal Confirmation and a Representation to His Majesty thereupon was accordingly prepared approved and signed

. . . .

Wednesday 7 Nov 1770

So Carolina Letter from Lieut Govr Bull to the Board dated 6 June 1770 transmitting Minutes of Council from 7 Jan to 2 May 1770. Minutes of Council in Assembly from 28 Nov 1769 to 11 April 1770. Fourteen Acts passed in April 1770. List of said Acts. List of Grants from 31 Oct 1769 to 7 April 1770. Letter from Lieut Govr Bull to the Board dated 20 June 1770 inclosing Journals of Assembly for April 1770. Letter from Lieut Govr Bull to the Board dated 8th Septemr 1770 transmitting List of Grants of Land signed since 8th Nov 1769 to 2 May 1770

. . . .

Wednesday 14th Novr 1770

So Carolina Their Lordships took into consideration several Laws passed in the Province of South Carolina 1769 together with

(Mr)

Mr Jacksons Report thereupon and it was ordered that the draft of a Representation to His Majesty should be prepared proposing that the following Acts may be disallowed Viz^{t}: An Act for establishing a parish in Granville County by the name of St Luke and also for establishing a parish in Craven County by the name of All Saints and for erecting a Chapel of Ease in the parish of Prince Frederick. An Act for stamping and issuing the sum of One hundred and six thousand and five hundred pounds being the amount of the present lawful paper Bills of Credit in this province and for calling in and changing the paper Bills of Credit now outstanding which are a tender by Law in all payments

. . . .

Wednesday 21st Nov 1770

So Carolina The following Drafts of Representations to His Majesty having been prepared pursuant to order were read and approved and having been transcribed were signed Viz^{t} Representation to His Majesty on An Act of South Carolina for dividing a Parish proposing that it may be disallowed. Representation to His Majesty on An Act of South Carolina for striking and issuing One hundred six thousand and five hundred pounds in Paper Bills of Credit proposing that it may be disallowed.

B. P. R. O. South Carolina B. T. Vol. 22. C. 41.

Charles Town, January 6th 1770.

My Lords.

I have the honor to transmit to your Lordships the Journals of the Council to the end of the last year, and the Journals of the Assembly, till the beginning of the present Session, which commenced the 28th November, which I shou'd have sent also, but this Packet returns with more than usual expedition. I send also the list of Grants that have been issued during the last six months.

I have the honor to be with the greatest Respect,

My Lords,

Your Lordships most obedient

& most humble Servt.

To Wm. Bull

The Right Honorable

the Lords Commissioners

for Trade and Plantations

at Whitehall.

Recd. Febry 7 }
Read — } 1770.

B. P. R. O. South Carolina B. T. Vol. 22. No. 22

Charlestown, January 8th 1770

My Lord,

Nothing new hath occurred in this Province since my letter No. 21 to your Lordship. I am therefore only to acknowledge the receipt of your Lordships letter No. 29 and to express as well as words can, the happiness I feel from the Royal Approbation, which your Lordship is pleased to signify, of my endeavours to discharge my duty to his Majesty in the administration of the Government of this Province, before the appointment of Lord Charles Montagu, and humbly to assure your Lordship, that altho' it is impossible to add to my zeal for, and fidelity in his Majesty's Service, it will animate me with firmness and perseverance under every difficulty to execute the King's Commands, in which as it is agreeable to his Majesty's paternal goodness and tenderness, I shall observe all the moderation to the governed, consistent with their own true interest, the supporting his Majesty's mild and equal Govern-

-ment

-ment.

I have the honor to be with the greatest Respect,

My Lord,

Your Lordships most obedient

& most humble Servant

To Wm Bull

The Right Honorable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State

for America at

Whitehall.

B. P. R. O. South Carolina B. T. Vol. 22. O. 33.

To the Right Honoble the Lords Comrs for Trade & Plantations.

The Memorial of Gilbert Ross & James Mill of London, Merchants

Sheweth,

That an Act of the Governour and Assembly of his Majestys Colony of South Carolina held at Charles Town 23d of Augt 1769 was passed for incorporating a Society commonly called & known by the name of The Fellowship Society has been transmitted to your Memorialists under the Seal of the sd Colony in order to have the Royal Assent and the same is now before your Lordships.

Your Memorialists therefore most humbly pray your Lordships to consider the sd Act and to make a Report thereon to his Majesty in favour of the sd Act to the end the same may receive the Royal Assent. And your Memorialists shall every pray &c.

Charlton Palmer
Agent for the Memorialists

Recd Janry 12.
Read Do 25. } 1770.

B. P. R. O. A. & W. I. Vol. 226. C. 7. No. 23.

Charlestown, January 12th 1770

My Lord,

It is with great satisfaction, I take leave to add to my last letter, that by the vessel which carries the duplicate thereof about 240 lb of raw Silk, raised in this Province last Summer, is sent to Mr Delamare in London, which will be the first to receive the Bounty granted, by the late Act of Parliament, and I am in hopes our Assembly will pursue the object with such attention, as effectually to establish that manufacture in this Province in a few years, under the countenance & with the assistance of the very liberal encouragement which the Parliament hath granted for that purpose.

I have the honor to be with the greatest Respect,

My Lord,

Your Lordship's most obedient

& most humble Servant

Wm Bull.

To

The Right Honorable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall.

R. 20th Feb. 7.

B. P. R. O. South Carolina B. T. Vol. 22. O. 36

To the Right Honble The Lords Commissrs. for Trade & Plantations.

The Memorial of the Agent for His Majesty's Province of South Carolina

Sheweth.

That the several Acts for encouraging the making of Indico in the British Plantations in America have been found to be very useful & beneficial to the publick and to the manufactures of Great Britain, thereby preventing very large sums of money being annually paid to France and Spain for the Indico of those countries.

That the encouragement which has been given by Bounties has been principally instrumental in promoting & continuing the culture of Indico in His Majesty's Colonies of Carolina & Georgia, and by a farther continuance may be attended with the like salutary effects in East & West Florida, so as in time wholly to exclude the foreign Import of this necessary commodity. And in regard the Act passed in 1763 for encouraging the making of

of Indico in the British Plantations in America is near expiring.

Your Memorialist humbly begs your Lordships recommendation of the continuance of the said last mention'd Act for a further Term.

Chas Garth.

Recd Jany 29 } 1770
Read Feby 8 }

B. P. R. O. A. & W. I. Vol. 226.

Treasury Chambers.
17th Jany 1770.

Sir,

Having laid before my Lords Commissioners of his Majesty's Treasury a letter from William Bull Esqr Lieutenant Governor of South Carolina, dated Charles Town 12th August 1769, desiring their Lordships to take his Majesty's pleasure touching the remission of a Fine of £11. 15s which has been inflicted on four poor German Settlers who were convicted of a rescue; but who have represented their total inability to pay the same, I am commanded by my Lords to transmit a Copy of the said letter to you, for the information of the Earl of Hillsborough, and to desire you will acquaint his Lordship, that my Lords are of opinion, that the said Fine should be remitted.

I am, Sir,
Your most obedient humble Servant,
Thos Bradshaw

John Pownall Esqr

R. 18th.

B. P. R. O. South Carolina B. T. Vol. 22. O. 37

At the Council Chamber Whitehall
the 13th day of February 1770.
By the Right Honble the Lords
of the Committee of Council for
Plantation Affairs.

His Majesty having been pleased to refer unto this Committee a Letter from William Bull Esquire Lieutenant Governor of South Carolina to the Earl of Hillsborough, one of His Majesty's Principal Secretaries of State, relative to a Vote passed by the Assembly of this Province on the 8th of December last, in the words following vizt "Ordered that the Publick Treasurer do advance "the sum of ten thousand five hundred pounds "Currency, out of any money in the Treasury, to "be paid into the hands of Mr Speaker, Mr Gads-"don, Mr Rutledge, Mr Ferguson, Mr Dart and "Mr Lynch, who are to remit the same to Great "Britain, for the support of the just and con-"stitutional Rights and Liberties of the people of "Great Britain and America." The Lords of the Committee, in obedience to His Majesty's said Order of

of reference this day took the said Letter into consideration, and are hereby pleased to refer the same (a copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations, to consider thereof, and report to this Committee the state of the constitution of the said Province, and the usage and practice that has obtained with respect to raising and issuing money, together with their opinion thereupon.

Steph: Cottrell.

(Inclosure)

Letter from Wm Bull to the Lords Commissioners for Trade and Plantations dated at Charles Town. December 12th 1769.

Page 132

Note. This letter has already been copied in its order of date.

B. P. R. O. South Carolina B. T. Vol. 22 O. 38.

Case

King Charles the Second, by His Royal Charter bearing date at Westminster the 20th day of March in the fifteenth year of His Reign Anno Domini 1662-3, did give and grant unto Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret Knight & Baronet, Sir William Berkley Knight, and Sir John Colleton Knight and Baronet, a large Territory or Tract of Ground in America bounded within 36 and 31 Degrees of Northern Latitude and West in a direct Line as far as the South Seas, as in the said Charter is more particularly setforth.

Which said Territory or tract of Ground was by his said Majesty in the said Charter erected into a Province by the name of the Province of Carolina, and they the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and

and John Colleton were made and constituted the true and absolute Lords and Proprietors of the said Province, saving the Faith, allegiance and Sovereign Dominion due to the King, his Heirs, and Successors: And accordingly by the said Charter the said Lords Proprietors are invested with all the Royalties, Jurisdictions, Priviledges, Powers, and Authorities necessary for the Government of the said Province.

And His said Majesty King Charles the Second by a Second Charter bearing date at Westminster June the 30th in the seventeenth year of His reign Anno Domini 1665, did confirm unto the said Lords Proprietors the abovementioned Grant of the Province of Carolina, and did enlarge the Bounds thereof, as the same is particularly set-forth in the said Charter, and did unite the Lands so added unto the said Province of Carolina, and did confirm and renew unto the said Lords Proprietors as in the first Charter, all the Royalties, Jurisdictions, Priviledges, Powers, and Authorities necessary for the Government of the said Province, with all and singular the like and as ample Rights, Jurisdictions, Priviledges,

Prerogatives,

Prerogatives, Royalties, Liberties, Immunities, and Franchises of what kind soever within the Territory or limit aforesaid of the said Province of Carolina, to have, hold use, exercise and enjoy the same, as amply, fully, and in as ample a manner as any Bishop of Durham in the Kingdom of England ever heretofore had, held, used, or enjoyed, or of right ought or could have, use or enjoy.

In consequence of the Powers given to the Proprietors by these Charters, they in 1669 agreed upon, and framed a form of Government under the Title of Fundamental Constitutions of Carolina, which were from time to time altered and enlarged. But not having been received and adopted by the people, they never obtained the force of Laws in the Colony; and having been at length laid aside by the Proprietors themselves, as impracticable, the Colony was governed by Laws made and enacted in a General Assembly, consisting of three branches of Legislature; vizt.

First. A Governor appointed by the Lords Proprietors.

Secondly. An Upper House, composed of the

Deputies

Deputies of the Proprietors, (which Deputies acted as a Council of State) and of the Landgraves and Cassiques, who were summoned by Writ, whenever an Assembly was convened.

Thirdly. A Lower House of Assembly, consisting of a certain number of Representatives elected for each county.

The Laws passed by this authority were to be in force for two years, unless disallowed of by the Lords Proprietors in England; but it does not appear from any Records in the Plantation Office, what was the exact form and method of Proceeding in the granting, appropriating, and issuing monies for Publick Services.

In 1719 the Inhabitants of Carolina, being dissatisfied with being under the Government of the Proprietors, refused any longer to submit thereto, and having publickly disavowed all further obedience to it, the King, with the advice of His Privy Council, and at the request of the Inhabitants, resumed the Government of the said Colony into His own hands, and appointed a Governor by Commission under the Great Seal, which was also accompanied by Instructions

-ions, prescribing the Mode and Form, under which the Government in that Colony was for the future to be Administred.

By this Commission and by the Instructions which accompanied it, a new Form of Constitution for this Colony was introduced; the Legislative part of which was composed, as follows; vizt

First. A Governor appointed by the King during Pleasure.

Secondly. An Upper House of Assembly consisting of twelve persons to be appointed by the Governor, until His Majesty's Pleasure should be known; who were also to assist the Governor, as a Council of State.

Thirdly. A Lower House of Assembly or House of Representatives, to be elected according to the Laws and Usage of the said Province.

To these three Branches of the Legislature a power was given by the said Commission to Enact Laws for the good Government of the Colony; provided such Laws were not repugnant to the Laws of England, & were transmitted to the King for his disallowance or approbation within three months after they were passed.

It

It was further provided, that the Governor should have a negative in the passing of all Laws, Statutes and Ordenances of all kinds and nature whatsoever.

With regard to the mode of granting, raising, and issuing Publick money, it was provided for, as follows:-

First. That in all Acts or Orders for levying money or Imposing Fines & Penalties, express mention should be made, that the same was granted and reserved to His Majesty, His Heirs & Successors for the Publick Uses of that Province, and the support of the Government thereof, as by the said Act or Order should be directed.

2ly That no clause whatsoever should be inserted in any Law for levying money or the value of money, whereby the same should not be made liable to be accounted for unto His Majesty in this Kingdom, and to the Commissioners of His Majesty's Treasury, or to His High Treasurer of Great Britain for the time being.

3ly That fair Books of Accounts of all receipts and payments of all such money should

be

be duly kept, and the truth thereof attested upon Oath; and that the said Books should be transmitted every half year, or oftener to the Commissioners of His Majesty's Treasury, or to His High Treasurer for the time being, and to the Commissioners for Trade and Plantations, and duplicates thereof by the next conveyance: In which Books should be specified every particular sum raised or disposed of, together with the names of the persons to whom any payment should be made, to the end His Majesty might be satisfied of the right and due application of the Revenue of the said Province.

4thly That no publick money whatever should be issued or disposed of, otherwise than by Warrant under the hand of the Governor, by and with the advice and consent of the Council. But the Assembly might nevertheless be permitted from time to time to view & examine the accounts of money, or value of money disposed of by virtue of Laws made by them, which was to be signified to them as there should be occasion.

On the 29th day of May 1721, the form of Government

Government above mentioned was promulged in Carolina; an Assembly was soon after called in consequence thereof: and several Acts were passed for carrying into execution such parts of the Commission and Instructions, as required to be enacted by law; and, among other things, a law was passed, declaring that the Publick Treasurer and other Revenue Officers, who were by the former Constitution to be elected by the Commons House of Assembly only should for the future be appointed by Ordinance, assented to by the three Branches of the Legislature.

From the year 1721, to the year 1731, the mode of granting and issuing Public Money under the foregoing form of Government was invariably, as follows; vizt.

When Publick Services were to be provided for, an Estimate was made of what would be wanted for the current Service of the ensuing year; and an Act passed for raising the sum by such Taxes and Impositions, as were thought fit. By this Act, the money to be raised was granted to His Majesty's Use for the Publick Service of the Colony: the Services to which it was appro-

appropriated were enumerated in the Act; it was ordered to be issued out of the Treasury to those Services by Order of the General Assembly upon the Treasurer, and not otherwise, and if the Treasurer paid any part of the money to any other use, than that to which it was appropriated unless by Act or Ordinance consented to by the said General Assembly, that is to say by all three branches of the Legislature, he was to forfeit double the sum so paid.

In consequence of this established mode of taxation, no appropriated money was paid out of the Treasury, but by an Order upon the Treasurer, concurred in by the Governor, Council and Commons House of Assembly, and attested by their proper Officers; and if any extraordinary unforeseen exigence occurred, and the State of the Treasury would admit of its being provided for out of any Funds therein, the Treasurer was ordered to issue it to those Services by an Act or Ordinance, regularly passed by all the branches of the Legislature for that purpose.

In the year 1732, or about that time the mode

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mode of granting Supplies was altered; and instead of granting money upon Estimate for the Current Service of the ensuing year, the Service was performed upon Credit; the Account was called for at the end of the year, audited, and examined by Committees of both Houses of Assembly; and Schedules having been made of the Publick Debts, an Act passed for raising the amount thereof by such Taxes as were thought proper; the money to arise by such Taxes and Impositions was granted to His Majesty for the Publick Uses of the Colony, and directed to be paid by the Publick Treasurer, according to the Schedule of the Publick Debts, which was annexed to the Act, and not otherwise; and tho' the Acts passed under this new form of Constitution, did not, as the Law under the former mode, contain any clauses, by which it was expressly provided, that the money should be issued out of the Treasury to the service to which it was appropriated by Order of the General Assembly only: Yet it does not appear from their Journals, that for some years afterwards, that is to say, at least as low down

as

as the year 1736, the <u>Orders upon the Publick Treasurer were concurred in, and attested by Governor, Council, and Commons House of Assembly</u>, conformable to what was the practice antecedent to the alteration made in the mode of granting the supplies, as above stated.

It is mentioned however by the Lieutenant Governor in a Letter to the Secretary of State, dated in December last, that it has been usual of late years in Carolina, (and such usage appears also from their Journals) for the Commons House of Assembly to authorize the Treasurer <u>by an Order of that House alone</u> to advance out of the Publick Treasury such sums of money, and for such services as they think fit; and on the 8th of December last the said House of Assembly passed a Vote, in form of an Order upon the Treasurer in the following words:-

"**Ordered**, that the Treasurer do advance "the sum of 10,500£ Currency out of any money "in the Treasury, to be paid into the hands of "Mr Speaker, Mr Gadsen, Mr Rutledge, Mr Par-"sons, Mr Ferguson, Mr Dart, and Mr Lynch, who

"who are to remit the same to Great Britain,
"for the Support of the just and constitutional
"Rights and Liberties of the People of Great
"Britain and America."

It is suggested by Mr Bull in his Letter to the Secretary of State, inclosing the foregoing Resolution, "That as no particular use or Agent "is mentioned in the Journal of the Assembly, "in which this Order is entered, it is probable, "that the money is applicable to the purposes "of the Supporters of the Bill of Rights in London, "from whose Committee, a solicitation for some "aid was sent to that Province, and kept a "secret, till the moment it was moved in the "Assembly," and that it is so, is become notorious, those Persons having in the Publick Papers acknowledged the having received a Remittance from that Colony of the exact sum mentioned in the Resolution, and having published a Letter accompanying such Remittance, signed by the very Persons into whose hands it was ordered to be paid.

The Questions arising upon the foregoing State of Facts, and upon which Questions the

opinion

opinion of the Attorney General is desired, are

Question. Whether, under the circumstances abovementioned, the Commons House of the General Assembly of South Carolina can, or ever could legally, by an Order of that House alone, not concurred in by the other two branches of the Legislature, direct the Treasurer of that Colony to issue out of the Ballance or surplus of Funds arising from Taxes granted to the King, and by Act of Legislature appropriated to specified Publick Services, any sum or sums of money for such Publick purposes of the Colony, as the said Commons House of General Assembly might think fit? If this Question is answered in the Affirmative, then

Question, whether under the abovementioned circumstances the foregoing order of the said Commons House of Assembly on the 8th of December last, for the purposes therein mentioned & thereby intended, is warranted by Law, and the constitution? If not, what remedy, in either of the cases stated, can be legally and constitutionally applied in a matter of so great importance to His Majesty's Government

-ment, and the future well-being and security of the Colony of South Carolina?

1st I am of opinion, that the House of Assembly of South Carolina, cannot by the Constitution of that Colony, without the concurrence of the Governor and Council, legally direct the Treasurer of the Colony to issue out of the Ballance or Surplus of Funds arising from Taxes granted to the King, and appropriated by the Legislature of the Colony to certain Publick Services, any sums of money for such other Publick purposes of the Colony, as the House of Assembly shall alone think fit.

Such a Power would, as I conceive, be contradictory to the first and fourth Articles of the Commission, and Instructions, repugnant to the nature of the Grant, by which the Surplus must remain disposeable by the same authority that raised it, and cannot, I think, be warranted by the modern practice of a few years, irregularly introduced, & improvidently acquiesced in.

2d I think the Order of the Assembly of the 8th of December last is not to be supported in

point

point of Law; not only as they cannot, in my opinion, legally issue the Publick Treasure by their Sole Authority; but as the sum is directed to be paid out of any money in the Treasury, without regarding the payment of the appropriations mentioned in the Act of Assembly; and as it is to be applied, not to the particular service of the Colony, & the Support of the Government thereof, but to be remitted to Great Britain for the Vague and Indefinite purpose of supporting the Rights & Liberties of Great Britain & America, to be ascertained by the Arbitrary Pleasure of seven particular Persons, and without any Immediate Reference to the service of that Colony.

3^d If the Order for Payment of the Money is not Warranted by Law, the payment cannot be legal, and the Treasurer has issued the money without authority; but it would be hard, after the late acquiescence in the Orders of the Assembly, to make the Treasurer liable to the legal consequences of a wrong payment.

What preventive measures for the future may be most conducive to the Service of the Colony, and of His Majesty's Government, and to

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to protect the subject from the Repetition of such exactions, whether by the Parliament here, or by Instructions to the Governor, must be submitted to the wisdom of His Majesty's Servants.

Wm. de Grey

Febry 13. 1770.

Recd —
Read Febry 19. } 1770.

B. P. R. O. South Carolina. B. T. Vol. 29 p. 406
(23. February 1770.)

To the Rt. Honble the Lords of the Committee of His Majesty's most Honble Privy Council for Plantation Affairs.

My Lords,

Pursuant to your Lordships Order of the 13th instant, we have taken into our consideration the copy of a letter from Willm Bull Esqr Lieut. Govr of South Carolina, to the Earl of Hillsborough, one of His Majesty's Principal Secretaries of State, relative to a Vote passed by the Assembly of that Province on the 8th of December last, in the words following, vizt "Ordered "that the Publick Treasurer do advance the sum "of Ten thousand five hundred pounds currency "out of any money in the Treasury, to be paid "into the hands of Mr Speaker, Mr Gadsden, Mr "Rutledge, Mr Parson, Mr Ferguson, Mr Dart and "Mr Lynch, who are to remit the same to Great "Britain for the support of the just and con-"stitutional rights and liberties of the People "of Great Britain and America." And your Lordships having by your said Order directed

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us to report to your Lordships the state of the constitution of the said Province, and the usage and practice, that has obtained with respect to raising and issuing money, together with our opinion thereupon, we beg leave to acquaint your Lordships.

That King Charles the second, by his Royal Charter bearing date at Westminster the 20th of March in the 15th year of His Reign Anno Domini 1662-3, did give and grant unto Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Knt. & Bart. Sir William Berkeley Kt. and Sr. Jno. Colleton Kt. and Bart. a large Territory or tract of ground in America, bounded within 36 and 31 degrees of Northern Latitude, and West in a direct line as far as the South Seas, as in the said Charter is more particularly set forth.

That the said Territory or Tract of Ground was by His said Majesty in the said Charter erected into a Province by the name of the Province of Carolina; and the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John

John Colleton were made and constituted the true and absolute Lords and Proprietors of the said Province, saving the faith, allegiance and sovereign Dominion due to the King, His Heirs and Successors; and accordingly by the said Charter the said Lords Proprietors are invested with all the Royalties, Jurisdictions, Privileges, Powers and Authorities necessary for the Government of the said Province.

That his said Majesty King Charles the Second, by a second Charter bearing date at Westminster June 30th in the 17th year of His Reign Anno Domini 1665, did confirm unto the said Lords Proprietors the abovementioned Grant of the Province of Carolina, and did enlarge the bounds thereof, as the same is particularly setforth in the said Charter, and did unite the Lands so added unto the said Province of Carolina, and did confirm and renew unto the said Lords Proprietors, as in the first Charter, all the Royalties, Jurisdictions, Privileges, Powers and Authorities necessary for the Government of the said Province, with all and singular the like and as ample rights, Jurisdictions, Privileges, Prerogatives, Royalties,

Royalties, Liberties, Immunities and Franchises of what kind soever within the Territory or Limits aforesaid of the said Province of Carolina, to have, hold, use, exercise and enjoy the same, as amply, fully and in as ample a manner as any Bishop of Durham in the Kingdom of England ever heretofore had, held, used or enjoyed, or of right ought or could have, use or enjoy.

That in consequence of the Powers given to the Proprietors by these Charters they in 1669 agreed upon and framed a Form of Government for the Colony under the Title of Fundamental Constitutions of Carolina; which were from time to time altered and enlarged. But not having been received and adopted by the People, they never obtained the force of Laws in the Colony; & having been at length laid aside by the Proprietors themselves, as impracticable, the Colony was governed by Laws made and enacted in a General Assembly, consisting of three branches of Legislature, viz.

First. A Governor, appointed by the Lords Proprietors.

Secondly. An Upper House, composed of the

Deputies

Deputies of the Proprietors (which Deputies acted as a Council of State) and of the Landgraves and Cassiques, who were summoned by Writ, whenever an Assembly were convened.

Thirdly. A Lower House of Assembly, consisting of a certain number of Representatives elected for each county.

That the Laws passed by this authority were to be in force for two years, unless disallowed of by the Lords Proprietors in England; but it does not appear from any Records in the Plantation Office, what was the exact form and method of proceeding in the granting, appropriating and issuing monies for Publick Services.

That in 1719 the Inhabitants of Carolina being dissatisfied with being under the Government of the Proprietors, refused any longer to submit thereto; and having publickly disavowed all further obedience to it, the King, with the advice of his Privy Council, and at the request of the Inhabitants, resumed the Government of the said Colony into his own hands, and appointed provisionally a Governor by Commission under the Great Seal, which was also accom-

panied

panied by Instructions, prescribing the mode and form, under which the Government in that Colony was for the future to be administered.

By this Commission, and by the Instructions which accompanied it, a new form of Constitution for this Colony was introduced, the legislative part of which was composed, as follows, viz:

First. A Governor appointed by the King during pleasure.

Secondly. An upper House of Assembly, consisting of twelve persons to be appointed by the Governor, until his Majesty's pleasure should be known, who were also to assist the Governor, as a Council of State.

Thirdly. A Lower House of Assembly, or House of Representatives, to be elected according to the Laws and usage of the said Province.

That to these three branches of the Legislature a Power was given by the said Commission to enact Laws for the good Government of the Colony; provided such Laws were not repugnant to the Laws of England, and were transmitted to the King for his disallowance or approbation, within three months after they were

were passed.

That it was further provided, that the Governor should have a negative in the passing of all Laws, Statutes, and Ordinances of all kinds and nature whatsoever.

That with regard to the mode of granting, raising, and issuing Publick money, it was provided for as follows:-

First. That in all Acts or Orders for levying money, or imposing Fines and Penalties express mentioned should be made, that the same was granted & reserved to His Majesty, His Heirs and Successors for the Publick uses of that Province, and the support of the Government thereof, as by the said Act or Order should be directed.

2dly That no Clause whatever should be inserted in any Law for leving money, or the value of money, whereby the same should not be made liable to be accounted for unto His Majesty in this Kingdom, & to the Commissioners of His Majesty's Treasury, or to His High Treasurer of Great Britain for the time being.

3dly That fair Books of Accounts of all receipts

receipts & payments of all such money should be duly kept, and the truth thereof attested upon Oath; and that the said Books should be transmitted every half year or oftener to the Commrs of His Majesty's Treasury, or to the High Treasurer for the time being, and to the Commrs for Trade and Plantations, and Duplicates thereof by the next conveyance: In which Books should be specified every particular sum raised or disposed of, together with the names of the persons, to whom any payment should be made, to the end His Majesty might be satisfied of the right and due application of the Revenue of the said Province.

4thly That no Publick money whatever should be issued or disposed of, otherwise than by Warrant under the hand of the Governor by and with the advice & consent of the Council, but the Assembly might nevertheless be permitted from time to time to view and examine the Accounts of money, or value of money disposed of by virtue of Laws made by them, which was to be signified to them, as their should be occasion.

That

That on the 29th day of May 1721, the form of Government abovementioned was promulged in Carolina; an Assembly was soon after called in consequence thereof, & several Acts were passed for carrying into execution such parts of the Commission and Instructions, as required to be enacted by Law; and among other things, a Law was passed, declaring that the Publick Treasurer and other Revenue Officers, who were by the former constitution to be elected by the Commons House of Assembly only, should for the future be appointed by Ordinance assented to by the three branches of the Legislature.

That from the year 1721, to the year 1731, the mode of granting and issuing Publick money under the foregoing form of Government was invariably, as follows, viz:

When Publick Services were to be provided for, an Estimate was made of what would be wanted for the current service of the ensuing year, and an Act passed for raising the sum by such Taxes and Impositions, as were thought fit.

By this Act, the money to be raised was granted

granted to His Majesty's use for the Publick Service of the Colony: the Services, to which it was appropriated, were enumerated in the Act; it was ordered to be issued out of the Treasury to those Services by Order of the General Assembly upon the Treasurer, and not otherwise; and if the Treasurer paid any part of the money to any other use, than that to which it was appropriated, unless by Act or Ordinance consented to by the said General Assembly, that is to say, by all three branches of the Legislature, he was to forfeit double the sum so paid.

In consequence of this established mode of Taxation, no appropriated money was paid out of the Treasury, but by an Order upon the Treasurer concurred in by the Governor, Council and Commons House of Assembly, & attested by their proper Officers: & if any extraordinary unforeseen exigence occurred, and the state of the Treasury would admit of it's being provided for out of any Funds therein, the Treasurer was ordered to issue it to those Services by an Act, or Ordinance regularly passed by all the branches of the Legislature for that purpose.

That

That in the year 1730, or about that time, the mode of granting supplies was altered; & instead of granting money upon Estimate for the current Service of the ensuing year, the Service was performed upon credit; the Account was called for at the end of the year, audited, and examined by Committees of both Houses of Assembly, and Schedules having been made of the Publick Debts, an Act passed for raising the amount thereof by such Taxes as were thought proper; the money, to arise by such Taxes and Impositions, was granted to His Majesty for the Publick uses of the Colony; and directed to be paid by the Publick Treasurer, according to the Schedule of the Publick Debts, which was annexed to the Act, and not otherwise: and tho' the Acts passed under this new form of proceeding did not, as the Laws under the former mode, contain any Clauses, by which it was expressly provided, that the money should be issued out of the Treasury to the Service, to which it was appropriated by Order of the General Assembly only: yet it does appear from their Journals, that for several years afterwards

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afterwards, the Orders upon the Publick Treasurer were concurred in, and attested by Governor, Council, and Commons House of Assembly, conformable to what was the practice antecedent to the alteration made in the mode of granting the Supplies, as above stated.

The foregoing recital of facts will fully inform your Lordships of the state of the Constitution of South Carolina, and of the usage and practice, which have obtained with respect to raising and issuing money for many years after the establishment of this Constitution in it's present form.

When the Commons House of Assembly first began to authorize the Treasurer by an Order of that House alone to advance money out of the Publick Treasury, for such Services as that House thought fit, we are not able precisely to ascertain, but your Lordships will observe from Mr Bull's letter, that it is a practice, which has obtained only of late years; and therefore upon the whole we do concur with His Majesty's Attorney General in the following opinion, contained in his answer to certain Questions found-

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ed on the foregoing facts, which Questions were stated to him by the Earl of Hillsborough, & have, together with his Answer, been communicated to us by his Lordship, viz

First "That the Commons House of the "General Assembly of South Carolina cannot, by "the constitution of that Colony, without the con"currence of the Governor and Council, legally "direct the Treasurer of the Colony to issue out of "the Balance or Surplus of Funds arising from "Taxes granted to the King, and appropriated by the "Legislature of the Colony to certain Publick Ser"vices, any sums of money for such other Publick "purposes of the Colony, as the House of Assembly "shall alone think fit."

2. "That such a Power wou'd be contradictory "to the first & fourth Articles of His Majesty's Com"mission and Instructions, repugnant to the nature "of the Grant, by which the Surplus must remain "disposeable by the same authority that raised it, "and that it cannot be warranted by the modern "practice of a few years, irregularly introduced, "and improvidently acquiesced in."

3 "That the Order of the Assembly of the 8th of

"of December last is not to be supported in point of Law,
"not only as they cannot legally issue the Publick
"Treasure by their sole authority, but as the sum is
"directed to be paid out of any money in the Treasury,
"without regarding the payment of the Appropria-
"tions mentioned in the Act of Assembly; and as
"it is to be applied not to the particular Service of
"the Colony, and the support of the Government
"thereof; but to be remitted to Great Britain for
"the vague and indefinite purpose of supporting
"the Rights & Liberties of Great Britain, and America;
"to be ascertained by the arbitrary pleasure of
"seven particular persons, and without any immediate
"reference to the Service of that Colony."

What measures it may be proper for your Lordships to advise His Majesty to pursue, in consequence of the above extraordinary proceeding of the Commons House of Assembly of South Carolina, is submitted to your Lordships wisdom by

My Lords,

Your Lordships most obedient
& most humble Servants.

Whitehall
Feby 23. 1770 }

Geo. Rice   William Fitzherbert
John Roberts   Lisburne

B. P. R. O. . A. & W. I. Vol. 226. No. 33.

Whitehall. February 17th 1770.

Lieut. Governor Bull.

Sir,

I have received and laid before the King your Dispatches Nos 19. 20, 21 & 22.

His Majesty saw with equal approbation and satisfaction the attention of the Assembly at their first meeting to those commendable objects of true Commercial Policy which you had so prudently and properly recommended to them with a view to divert them from the invidious Idea of introducing American manufactures, and to fix them in a pursuit of those more solid advantages which a series of Improvement in the Articles of Rice Indico &c.a has opened to them, and in which the Colony has made so rapid a progress.

After so pleasing a Prospect of future advantage and prosperity to the Colony which your good sense and discretion had pointed out, it could not but be very mortifying to you to find the Session close with so extraordinary a Resolution of the Commons House of Assembly as that they

came

as me to on the 8th of December.

You will readily suppose that a proceeding of this nature so unwarrantable upon every idea of the true spirit of the Constitution, whether it regards the Vote itself simply considered as a Vote of the Lower House for issuing public money not concurred in by the Governor & Council, or whether it regards the purposes intended thereby and mentioned therein, which convey the most unjust suspicions of, and the most disrespectful insinuations against His Majesty's Government, could not but be matter of great concern and surprize to the King, and His Majesty after having taken the sense of that Committee of His Servants, to which affairs of the greatest importance are referred, has thought fit to direct me to lay this matter before the Privy Council, altho' it will doubtless meet with all possible dispatch in the consideration of it, yet it cannot receive a final decision time enough for this Packet, but I will not fail to press a speedy Resolution upon it, so as that the necessary Instructions in consequence thereof may reach you before the middle of May.

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I should however but ill obey my Royal Master's Commands if I delayed to signify to you His entire approbation of your Conduct which has upon this occasion as well as in the manner of communicating the Instruction contained in my Letter No. 24 been distinguished by the greatest prudence and discretion, and you do no more than Justice to the Conduct and opinion of His Majesty's Ministers in supposing that they do not expect you should, in order to make your Representations of the state of the Colony appear more agreeable make them less consistent with Truth, and the real situation of public affairs in it.

In consequence of the Death of Mr. Yorke, a few days after he received the Great Seal; His Majesty has thought fit to commit the custody of it for the present to Commissioners; and the Duke of Grafton having been permitted by His Majesty to retire from the Treasury Board, Lord North is become in consequence thereof first Commissioner at that Board.

I am &c.

Hillsborough.

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B. P. R. O. South Carolina B. T. Vol. 22. No. 23.

Charlestown March 6th 1770

My Lord,

By his Majesty's Packet Sandwich I am honoured with your Lordships letters No. 30 & 31. & duplicate of No. 29. the letter therein inclosed to Mr Stuart His Majesty's Superintendant for Indian Affairs, I sent to him immediately, and forwarded those to his Majesty's Agent at Turks Island, and to Mr Atkins at Bermuda in a few days, as opportunities soon offered.

I am to return my humble thanks to your Lordship on behalf of the four poor Germans for the ready attention paid by your Lordship to their case in obtaining his Majesty's order for remission of their fines. I shall be obliged to trouble your Lordship with the case, very lately mentioned to me, of a Person in Gaol under sentence of death, hitherto reprieved by Lord Chas. Montagu, at the instance of the Court of Admiralty Sessions held under his Majesty's Royal Commission last May in the Council Chamber of this Province, recommended to his Majesty's

majesty's Royal clemency. From your Lordship's known humanity, attention to and punctuality in business, as no answer signifying the King's pleasure thereupon has been received, I am induced to apprehend that Lord Charles Montagu's Letters on that subject must have unfortunately miscarried. Not having time before this Packet sails, I shall by the next opportunity lay a full state of the matter before your Lordship.

I have nothing new to add to the proceedings of the associators. Their general Committee go on in rigidly enforcing obedience to their Resolutions, and, what they call, their interpretations thereof, to the great interruption of commerce, altho many of themselves are greatly hurt thereby, as well as transient persons wholly unacquainted with the purport thereof before they arrive here. No violence has as yet been used against such as hesitate a compliance tho' sometimes threatned; but men after a little cool reflection have chosen rather to submit than stem a torrent of popular opinion or perhaps resentment.

It

It would be injustice in me not to represent to your Lordship the firmness with which all the members of his Majesty's Council, except one, and almost all his Majesty's Servants in this Province have refused to subscribe to their Articles of association, altho' they daily experience great losses thereby, as subscribers are forbidden to purchase Rice Indico &ca from non subscribers, but the conscious satisfaction arising from a propriety of behaviour afford a consolation superior to every inconvenience.

At present no reason can convince these Associators that their plan is founded upon mistaken principles and must fail of success but I am perswaded within less than twelve months if left in this way, the loud voice of distress will awaken the generality of them from their dreams, but alas! then the condition of many may be perhaps almost irretrievable. But I trust that his Majesty's wisdom and the vigilance of his ministry supported by the advice & authority of the Parliament will put an end to our unhappy situation & lead us into the right road of pursuing our own true interest.

interest.

Notwithstanding my inability to make any progress in dispersing those clouds of discontent & jealousy which spread a gloom over this country, my duty to the best of King's whose greatest happiness is his people's wellfare, and regard for the people of this Province at present under my care, calls upon me to exert myself in promoting the public good in such matters as the times will admit.

In this disposition I am endeavouring to sow the seeds of such future benefits to Great Britain and this Province, as will ripen into perfection, as soon as the genial warmth of restored confidence and affection between the Mother Country and her Colonies shall break upon us. And permit me, my Lord, to express my most ardent prayer that the patronage of your Lordship's administration may crown the happy event. Besides the Articles mentioned in my Letter No. 19. to your Lordship, I had prevailed on the Assembly to grant a sum to defray the expence of purchasing & importing vines proper for wine, to be intrusted to the management

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of the French Colony at Hillsborough, as most experienced in such matters. I last week sent up a waggon loaded with the best vines of Portugal for that purpose, and means will be used to procure some from France. Olives shall be imported next fall, may they prove happy omens of peace! And to promote ornamental and useful learning I have recommended to the Assembly to put the Provincial Grammar School on a better establishment, and to build and endow a College, for accademical studies, and for education suitable to the condition of the poor, that they wou'd provide Schools & Schoolmasters at various places in the remote Settlements. I did not forget Mr. Hammerer, but he has quitted his plan of civilizing Indians for trafficking with our back settlers.

I have taken the liberty to inclose to your Lordship a copy of the Report of the Assembly in the last Article, as also relative to the building sufficient Gaols and Court Houses of sufficient strength and accommodations, & a Gaol in Charlestown all which I had recommended to them.

I

I have the honor to be with the greatest Respect
My Lord,
Your Lordships most obedient
& most humble Servant,
To Wm. Bull

The Right Honorable
Earl of Hillsborough
his Majesty's Principal
Secretary of State
for America at
Whitehall.

B. P. R. O. South Carolina B. T. Vol. 22. No. 24.

Charlestown, March 7th 1770

My Lord,

Upon the receipt of your Lordship's letter No. 31. inclosing his Majesty's Royal Order in Council confirming the Circuit Court act, I immediately gave public notice of his Majesty's most gracious approbation by a Proclamation, and as the benefits thereby intended are not to take effect until the Court Houses and Gaols are all built, and as no limitation of expence or dimensions of the buildings are expressed in the Act to guide the discretion of the Commissioners appointed to erect those edifices, I thought it proper, that all such difficulties and causes of delay might be obviated, to recommend the matter to the Assembly, and they have now agreed upon large, convenient and uniform plans for those buildings. I do not think it possible that they can be carried into execution in less than twelve months, and the act consequently not operate in the administration of Justice before that time.

Yours

Your Lordships direction to me to transmit by the first opportunity the names of such persons as I think properly qualified to be associate Judges, to the end your Lordship may receive his Majesty's Commands thereupon, will put me under very great difficulty, when I consider the importance of the Trust reposed in them by this Act. For altho' two Judges go the Circuit together, yet for the dispatch of business which must all be over in six days at each place, one Judge takes charge of the Crown Pleas, and the other of the Common Pleas, whereby the life and property of the subject are in the hand of one Judge. The shortness of the term allows little time for consideration, & therefore requires more than a superficial knowledge of the Law, or otherwise the decisions wou'd be made rather according to chance than judgment; for as many Judges so many different judgments, wou'd render the Law very uncertain & might insensibly deviate from the Common Law of England.

Unhappily for this Province men educated in the Law line, of very moderate standing, find much more profit as Attorneys and Counsellors than the amount of the three hundred pounds salary to the associate Judges; and if they are appointed as hitherto

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(when they had the assistance of the Chief Justice, or in his absence friends or books to refer to in difficult cases) from among the meer lay gen: of this Province, Gentlemen whose best qualifications were their integrity and common understanding and leisure to attend the Courts, tho' sufficient for the present service, will not be equal to the trust reposed in them by this Act. There are many who are ready to accept the Office, but it is your Lordships intention and my wish that the salary should be a reward for real abilities.

In obedience to your Lordships command, I shall, as soon as I have made some inquiry, transmit the names of four of the most proper persons, I can meet with, to your Lordship; but upon the whole I beg leave to express my wishes to your Lordship, that from among the many Gentlemen in London regularly bred to the Law, who are arrived at a time of life, when the sanguine hopes of rising to eminence or a comfortable share of practice in the profession are extinguished by a very moderate employment therein, some could be prevailed upon to accept of such commission in this Province, where their advancing age would be cherished by our mild climate, give dignity to their office &, authority to their decisions. Inland inhabitants of England, I know

know, are terrified with ideas of Indians and savage beasts behind every tree in our woods, but Gentlemen of a liberal education are superior to such vulgar prejudices; and tho' the Circuits require riding 4 or 500 miles thro' woods, yet they are well inhabited, and there are roads and accommodations for Travellers, not to be expected equal to those in England, but the most comfortable would always be given to the Judges. Your Lordship will pardon these minute circumstances, but they are placed before your Lordship to obviate objections which may be started perhaps by some worthy man, whose abilities would do honor to the Office & who might be prevailed upon to come over if the inconveniences apprehended can be removed.

I have the honor to be with the greatest Respect,

My Lord,

Your Lordship's most obedient

& most humble Servt

To Wm Bull.

The Right Honourable

the Earl of Hillsborough

His Majesty's Principal Secretary

of State for America at Whitehall.

B. P. R. O. South Carolina B. T. Vol. 22. No. 25.

Charlestown March 22d 1770.

My Lord,

I have the honor to represent to your Lordship that on the 28th day of April last Mathew Turner, Marriner, was tried, at a Court of Admiralty Sessions held here, for the Murder of Capn. Harrop in the Bay of Honduras, and that altho' the Court found Turner guilty of the murder, yet in the course of the Evidence there appeared several circumstances in the Prisoners favour, which induced the Court, at the same time Judgment of death was pronounced as a terror, and lesson to people resorting to the Bay of Honduras that they are not beyond the Reach of the Kings Justice, to recommend the Prisoner as a proper object of the Royal Mercy and requested his Excellency Lord Charles Montagu to repreive him until his Majesty's pleasure should be signified thereupon.

The prisoner Turner was accordingly repreived and lies still in Gaol under sentence of death. I transmit to your Lordship a copy of the repreive granted by Lord Charles Montagu upon this occasion that

that the same may be laid before the King with my most humble recommendation of the unhappy Prisoner as a proper object of the Royal mercy, and that I may receive his Majesty's Royal Will and pleasure thereupon.

I have the honor to be with the greatest Respect.

My Lord,

Your Lordship's most obed^t.

& most hu^ble Servt.

To W^m. Bull.

The Right honble
The Earl of Hillsborough
His Majesty's Principal
Secretary of State for
America at Whitehall

(Inclosure)

South Carolina

George the Third by the Grace of God of Great Britain France & Ireland, King Defender of the Faith and so forth.

TO all and singular our Judges, Justices, Sheriffs, Bailiffs, & other Ministers, to whom these Presents shall come Greeting.

Whereas

Whereas at a Court of Admiralty Sessions begun and holden on Friday the twenty eighth of April last, in our Council Chamber in Charles Town in Pursuance of an Act of Parliament Passed in the Eleventh and Twelfth of William the Third Before His Excellency The Right Honourable Lord Charles Greville Montagu Captain General Governor and Commander in Chief in and over our said Province The Honble William Bull Esqr our Lieutenant Governor The Honourable Henry Middleton, Daniel Blake, John Burn and Thomas Skottowe Esquires Members of our Council Mark Robinson Esquire Commander of our ship Fowey. Thomas Heyward Esquire Commander of our sloop Martin and Robert Lindsey Esquire Commander of our sloop Viper Mathew Turner Mariner was convicted for the Murder of Wm Harrop Commander of the ship Bachus on the high seas within the Jurisdiction of our High Court of Admiralty of England, And Judgment thereupon passed against him to be hanged by the neck on Wednesday the tenth instant, till he be dead as from the Records of our Office of Admiralty Sessions may more fully appear Now know ye

that

that we being piously minded of our certain knowledge special grace and meer motion have reprieved and suspended the execution of the said Sentence on the body of the said Mathew Turner and do by these presents suspend the execution of the said Judgment until our Royal Will and Pleasure shall be known therein.

Given at Charles Town under the Great Seal of our said Province. Witness His Excellency The Right Honourable Lord Charles Greville Montagu Capt.n General Governor and Commander in Chief of the said Province this Fifth day of May Anno Domini 1769 and in the Ninth year of our Reign.

By His Excellency's Command.
Thos Skottowe, Secry

Chas Gr (L.S.) Montagu

Secretary's Office. A True Copy taken from the Original and examined per
Thos Skottowe, Secry.

B. P. R. O. South Carolina: B. T. Vol. 23. P. 3.

To the Right Honble The Lords Commissioners for Trade and Plantations.

The Memorial of the agent for His Majesty's Province of South Carolina.

Sheweth.

That His Majesty having by an Instruction to the Governors of South and North Carolina in the year one thousand and seven hundred and sixty three signify'd his Pleasure that a temporary Boundary Line should be run between those Provinces limiting its extent at the Catawba Lands a line has been run, altho' in point of Latitude erroneous: South Carolina Settlements being now very numerous and extended very far to the Westward of those Lands, it is become highly necessary and expedient that a certain known line of Jurisdiction should be ascertain'd; which having been under the Consideration of both Colonies, a Difference in opinion renders an appeal to His Majesty's Royal Will and Pleasure necessary not only to declare but to adjust its extent

extent: The strong and political Reasons as well as the equitable pretensions which the Government of South Carolina has to offer in behalf of an extent of Northern Boundary have been with great weight set forth in a Report by His Majesty's Council for this Province to their Governor, and is now before your Lordships; but upon a matter of such great moment and concern to his Constituents your Memorialist hopes to stand excused in thinking it his duty further to submit to your Lordships such remarks and observations as have occurr'd to him upon the subject; he must therefore beg leave to recall your Lordships' attention to the antient and natural Boundary and to certain occurrences since whereby to render the present or any interposition of His Majesty necessary to be solicited in Order to the ascertainment of a Boundary Line <u>at all</u> between these Provinces, and which will at the same time strongly mark the just pretensions of South Carolina to the Line of Jurisdiction they humbly Petition His Majesty to establish by his Royal Order - Cape Fear River dividing the Provinces of South and

North

North Carolina nearly in a North West direction bounding North Carolina to the South West and South Carolina to the North East is well known to have been the antient Boundary, by that River the authority of Government and exercise of Jurisdiction were respectively limited in each of these Provinces, the Jurisdiction of the Judges used by their Commission to be so far extended.
The expences of Government annually encreasing became so heavy a burthen at a time that the Inhabitants of South Carolina were as yet but few in number and their Settlements Northward extended little farther than Santee River, that in Order to avoid payment of Taxes and to be in a situation on account of its distance beyond the reach of process, sundry persons with their families remov'd up to the South banks of Cape Fear River. The Settlements of these People called the Brunswick Settlement encreasing, it became necessary that they should be under the actual authority of Government, and they themselves being solicitous to be included within the Government of North Carolina, His late majesty in one thousand seven hundred and thirty

thirty was pleased to direct another Boundary for the two Provinces, yet carrying in view the antient and natural one of Cape Fear River, and was graciously pleas'd to be so attentive to the Jurisdiction of South Carolina that (the necessity of the case requiring the People of Brunswick (become numerous) should be under practical as well as legal Government) the Royal Will was so particularly adapted to the local circumstances of this Settlement, that in annexing it to North Carolina the Instruction took care that the Province of South Carolina should not be limited in its antient Boundary to more than "thirty miles at most Southerly distance "from the whole course of Cape Fear River from "the sea upwards to its main source or head, "and from thence due West as far as the South "Seas, but if Wagaman River should be within "thirty miles, then that River to be the Boundary &c."

The Commissioners authoriz'd by each Province in the year one thousand seven hundred and thirty five run a Boundary Line as far West as seventy or eighty miles from the sea, but His Majesty not having directed any Degree of Latitude to

to be taken, only a Line parellel to Cape Fear River, the Commissioners differ'd in opinion upon the Construction of the King's Instruction and proceeded no farther; and indeed no line was run in exact conformity to that Instruction, since when pretences of uncertainty of Jurisdiction urged under sanction of his late Majesty's interposition in one thousand seven hundred and thirty have been set up in excuse for non payment of Quit Rents to the Crown or of Taxes to the Province; Representations of which and of the mischiefs and confusion subsisting for want of a certain known line of jurisdiction having been transmitted to England were by his present Majesty taken under consideration, who in one thousand seven hundred and sixty three was pleas'd to order an Instruction for a temporary Line, therein directing "that the Line in part set out by the Commissioners in one thousand seven hundred and thirty five which if not mark'd so far North as to the thirty fifth Degree to be continued in the same direction to the said thirty fifth Degree and from thence due West to the Eastern limits

limits of the Lands claimed by the Catawba Indians &c., in one thousand seven hundred and sixty four the Commissioners appointed proceeded, but by some mistake in the observation of Latitude the Commissioners stop'd short of the thirty fifth Degree, viz at 34. 49, eleven miles South of the thirty fifth Degree and a loss to South Carolina of near six hundred and sixty square miles, and from this point they ran the Line due West to the Salisbury Road near Catawba River. To the Detriment to the Province from this error His Majesty's Subjects in South Carolina are inclined to submit, tho' they conceive in point of equity they have a claim to have the error rectify'd for a Line to be run agreable to the Instruction, but they trust if waving that right hitherto least any inconveniences might arise to His Majesty's Government from a renewed state of uncertainty of Jurisdiction in those parts, it will have its proper weight with His Majesty, instead of being made the occasion of a much heavier loss, which a line continued due West from the point at Salisbury Road near Catawba River

as

as applied for on the part of North Carolina would certainly prove; the Province in such case would lose in the whole more Land out of their Jurisdiction (and Land of the greatest importance from the nature of the soil, situation and other material considerations) than any two of the middling Counties in England. The Reasons for such a Line on the part of North Carolina it is presumed are substantially answered by His Majesty's Council of South Carolina in the Report above alluded to, but it may not be improper to observe farther upon the proposition stated as a Reason for such a Line "because by an Act passed last Session in North Carolina All that Tract of Land to the Westward of the Catawba River is formed into a County by the name of Tryon County with Provisions for Courts &c. within that County," that therefore this Line should be continued. The Council have in their Report very properly observ'd the Reasons why South Carolina forbore any attempts of Jurisdiction in those parts, dutifully waiting the Royal Pleasure to be first signify'd to both Colonies, concerning the actual ascertaining

ascertaining of the Bounds of Jurisdiction to be solely an exercise of Royal Prerogative, while North Carolina is urging a Trespass upon that Prerogative as a Title with your Lordships for His Majesty's confirmation of the Infringement. But further, the claims of the Catawba Indians to the Lands bordering upon the Catawbas have not been unknown to His Majesty, and therefore in the Instruction of one thousand seven hundred and sixty three he was not only pleas'd to confine his Orders for a Line to be run to the East side of the Catawbas only, but expressly declares it to be his Will and Pleasure that no Settlement whatever be made nor the Jurisdiction of either Province exercis'd upon any Lands claimed by the said Indians, untill the said Claims shall be finally adjusted, before therefore a Reason had been drawn by North Carolina from a Jurisdiction so recently and unjustifiably establish'd, it should seem to have been the part of that Colony to have first shewn that since the Date of the Instructions all Claims between the Catawba Indians and that Colony had been finally and authoritatively adjusted; on the other hand South Carolina from

Respect

Respect and Regard to His Majesty's Prerogative and Commands signify'd in the Instruction (notwithstanding the trespasses committed by North Carolina Surveyors as complain'd of by the back settlers to the Governor and Council of South Carolina) desisted from any actual exercise of Jurisdiction and yet by a Latitude of Construction they might have thought themselves well warranted, the Catawba Indians have agreed with South Carolina, (whither they have ever had recourse upon complaints of injuries from white men) and consented to contract their claim of Lands, (where their numerous ancestors had long resided) to a spot of fifteen miles square on condition of building within that spot a stockaded Fort for the security of their women and children, which was accordingly and fully complied with; previous to which agreement it is to be further observ'd that South Carolina Government in obedience to former commands of the Crown that the Catawba Indians should receive no molestation in their hunting grounds surrounding their Towns, had by Order of Council reserv'd the Lands thirty miles on all sides from their

their Towns as a District not to be granted to any Person or Persons whatsoever; notwithstanding these circumstances as to any exercise of Jurisdiction on the Lands ceded without the Limits of the fifteen miles square further than keeping up and maintaining the numberless Forts belonging to this Province in the Lands adjoining & Westward of the Catawbas as directed by the said Instruction South Carolina waits His Majesty's positive Pleasure to be signify'd upon the ascertaining a final Boundary.

The Reason suggested from the expence North Carolina has been put to in running a Western Frontier will appear to have less weight if possible than the last taken notice of. for whatever the Expence has been (at most it seems two thousand pounds) it was incurr'd without the Privity of South Carolina, and not without knowledge of the claims of this Province to entire Jurisdiction over the Lands lying to the Westward of the Catawba antient Territories; but if expence was to be a Reason of any weight, it will preponderate far in favour of South Carolina, for besides former Expences the Province has been

been put to for Surveys of this Country. a recent one to the amount of Three thousand pounds sterling appears in payment to Mr Cook to make a perfect and compleat Survey for the better ascertaining a proper final line of Jurisdiction, in addition to such the Expence of building and maintaining numberless Forts beyond and within the Catawba Lands is no trivial Article, and it is to be remarked that Fort London at Tannesee in the Upper and Fort Prince George at Keowhee in the lower Cherokee country were built and compleated and lately effectually repair'd at a very large Expence in obedience to the immediate commands of the Crown to this Province. commands that import strong Evidence of Jurisdiction, and yet almost every one of the Forts would, if the application of North Carolina was to take place, fall within the Boundary of that Province, so that upon the Principle of their Reason for that such Frontier would fall into South Carolina; South Carolina presumes the argument infinitely stronger on her part, for that such Forts with all the great Expences incurr'd on Account of such Forts, Surveys, and

Agreements

agreements with the Catawbas will be lost to the Province and fall into North Carolina. But my Lords, it is of consideration in the case in question, that if the Line had been run up to the thirty fifth Degree instead of stopping short at 34: 49 as is undoubtedly the case, the due West Line would then have terminated at the North Eastern instead of South Eastern Limits of the Catawba country, from whence it would have been but a small distance round the North of the Catawba Nation to the North Branch of the Catawba River, and in that case there is scarce a doubt but that River would appear the proper, the natural and the certain Line for a Boundary between the two Provinces (upon such Principle Waccamaw River if within thirty miles of Cape Fear was mentioned in the Instruction of one thousand seven hundred and thirty) preventing the innumerable difficulties that occur in surveying and marking out a Line thro' the woods, or, in the case of settled Countries the Inconveniences in ascertaining Quit Rents Taxes and Taxables, and effectually putting an end to all possible Disputes as well of a publick as a

publick

publick nature. Extraordinary then indeed would the case of South Carolina be, should His Majesty order a Line to be continued due West, and from a Point erroneously taken and therefore not in conformity to His intention appearing in the Instruction, when so clear and easy a Boundary offers, had the observation of Latitude been justly and truly set out; but it is impossible to suppose that, already suffering greatly from the error committed, His Majesty can be advised to direct a continuation of an erroneous Line to the still more manifest Loss and Detriment to a Province whose pretensions to Jurisdiction over that District have almost every thing in its favour, but the strict Letter of a positive Law. To these considerations there are others proper to be submitted to your Lordships attention; pointed out to the Governor as they are in the Report, they will doubtless have their due weight with this Board. The spirit of Industry in the Cultivation and Improvement of Lands in South Carolina does evidently appear from the great encrease of the Imports and Exports, and which must mark a Province more or less in a flourishing situation of

of ability and disposition to improve and cul-
-tivate lands, the great advantages of which
the Mother Country must reap and must there-
-fore ever be an important object of her attention.
Bounties have been repeatedly given by the Legis-
-lature of South Carolina to encourage the
culture of Lands, and many of the settlers living
upon Broad River and in the Lands Westward
of the Catawbas have receiv'd Bounties for Hemp
Naval stores &c, supplying therefrom the markets
of Charles Town with Corn Flour Lumber &c, to
throw these Lands and People under another
Government from that which they conceive
themselves within and have derived Considerable
benefits from, is deserving serious attention.
such a step might give a fatal check to culti-
-vation, especially as the advantages now reap-
-ed by these Settlers of sending their produce
to the Charles Town Market by means of Rivers
and Streams at an infinite less Expence than
by Waggons and Carriages would probably over-
balance all similar Encouragements from
North Carolina, was that Colony disposed to
give them, for if annex'd to North Carolina
the

the Produce must be carried to the Publick Marts within that Province and chiefly by Waggons and Cattle; whereas the cheapness of carriage by means of Streams and Rivers has been a principal Inducement with the Governors and Council of South Carolina to have order'd for many years back (previous to the Instruction of one thousand seven and sixty three) Grants of Land upon the upper Branches of Broad River to be made out to the poor voluntary European Settlers imported at the expence of the Province, under whose protection these People have greatly throve, have long lived and are desirous to continue; It cannot escape your Lordship's Observation, the Injustice in such a case, if after many years experience of Land granted by this Government to the Persons imported at the expence of the People, and which was always to be of Lands within the Province, South Carolina should now find, without any former interruption to such Grants coming from Great Britain, but simply of care and caution with Respect to Lands claimed by the Indians, nay after as it were tacit acknowledgments of their Title by the repeated

Requisitions

Requisitions touching Forts and particularly London and Prince George at Keewohee, that these Settlers notwithstanding the Expences incurred for their Passages and enabling and encouraging them to succeed as they have in the Cultivation of their Settlements, at the time they are becoming useful Inhabitants of the Colony, are not to belong to or to be within the Jurisdiction of the Colony. losing at the same time a great and principal object of the Expence, that of peopling this Colony with white men and which is a standing Article of Instruction to the Governors to recommend in the strongest terms to the Assembly for their better Defence and Protection against the Danger of Insurrections of the Negroes, whose numbers must continually encrease with an encrease of their important commercial staple commodities, to the great advantage and emolument of Great Britain as well as of the Colony. - The great Disproportion, there is between the white men and Negroes in South Carolina, (but totally the reverse in North Carolina) must render the former less formidable to a foreign or an Indian enemy, in case of

of Hostilities an Exertion of their whole strength is absolutely necessary as well to oppose the enemy as to prevent their Slaves from Revolt, the Aid of the Inhabitants settled upon the upper parts of Broad Rivers Catawba, Pacolet and other Streams, not only from the addition of their number but from the advantage of the stockaded Forts among them, has been found of infinite Service, and in such Exigencies the Province could not defend itself without, but such aid is not to be procured unless those Inhabitants and Forts are subject to and within the immediate authority of this Government as well as within the influence of their Militia Laws; further if its North Western Frontier was to be reduc'd as by the limited Boundary proposed, your Lordships need not be reminded of the weak and defenceless condition this flourishing Colony must also be reduced to, Savannah River would nearly intersect the Line, the Province be formed into a Triangle, few or no back Settlements, the strength therefrom lop't off and sequester'd from it. Of what consequence also it might be if the

the long established communication between this Colony and the different Tribes of Indians, (who have in most cases used this Government as the medium between His Majesty and them; who here principally prefer their complaints, renew Treaties and negociate their other Concerns, and where their Policy and their connexions are by long usage and frequent valuable Presents well known and understood) was to be diverted into another Channel is submitted to your Lordship's wisdom. Your Lordships well know that His Majesty in his Instructions to the Governors of So Carolina does particularly enjoin them to use all possible ways and means to preserve a good Correspondence with the Indians on their Frontiers, but especially with the Cherokee Indians inhabiting the mountains on the North West side of the said Province of South Carolina. The Utility and Service to, as well as the Friendship constantly manifested by the Catawba Indians in particular for, the Province of South Carolina is so justly represented by His Majesty's Council, that the Expediency and Reasonableness of comprehending these faithful allies within

South

South Carolina Boundary it is hoped will meet with your Lordship's entire approbation and support with His Majesty.

Your Memorialist will conclude with barely suggesting the great Inconveniences to private Persons on Account of Grants of Lands, Titles by mesne Conveyances, Wills, Testaments, Mortgages &c. all recorded in the Offices of South Carolina; their Lands cut in two, Part in one Province and the Houses and other Part in the other, disputes upon the Liquidation of Taxes and Quit Rents and in levying Executions, was the Line of one thousand seven hundred and sixty four ending at the Salisbury Road to be continued due West thro' the woods, all which will be much lessen'd if not entirely avoided by the natural Boundary offer'd on the part of South Carolina as set forth in the close of the said Report and which for the several Reasons assigned.

Your Memorialist prays that your Lordships will take under Consideration and be pleas'd to recommend an Instruction for continuing a Line Northerly from the Point where the Line of one thousand seven

seven hundred and sixty four ended at the Salisbury Road along the said Road to the Catawba Lands, and then Easterly Northerly and Westerly around and along the Line bounding the Catawba Lands survey'd in one thousand seven hundred and sixty three till it intersects the Catawba River and then to proceed along the North or main Branch of the Catawba River to its source in the Cherokee Mountains.

Chas Garth

Recd April 2 }
Read Apr. 11th } 1770

B. P. R. O. South Carolina. B. T. Vol. 22. O. 39.

At the Council Chamber Whitehall
the 3rd Day of April 1770.

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs

Whereas there was this day laid before the Lords of the Committee, a Report made by the Lords Commissioners for Trade and Plantations dated the 23rd of February last. Upon considering a copy of a Letter from William Bull Esquire, Lieutenant Governor of South Carolina, to the Earl of Hillsborough One of His Majesty's Principal Secretaries of State relative to a Vote passed by the Assembly of that Province on the 8th of December last, in the words following, vizt "Ordered that the "Publick Treasurer do advance the sum of ten "thousand five hundred pounds Currency out of "any money in the Treasury to be paid into the "Hands of Mr. Speaker, Mr. Gadsden, Mr. Rutledge, "Mr. Pierson, Mr. Ferguson, Mr. Dart and Mr. "Lynch, who are to remit the same to Great "Britain for the Support of the Just and Constitu-"tional Rights and Liberties of the People of Great

Britain

"Britain and America." The Lords of the Committee having taken the said Report into consideration, together with the state of the Constitution of the said Province and the usage and practice that have obtained with respect to raising and issuing money there, are hereby pleased to Order that the said Lords Commissioners for Trade and Plantations do forthwith prepare and lay before this Committee, a Draught of an additional Instruction to the Governor, Lieutenant Governor or Commander in Chief of His Majesty's said Province of South Carolina for the time being, to prevent the Assembly from ordering Publick money to be issued in the illegal and unconstitutional manner state in the aforementioned Report of the Lords Commissioners for Trade and Plantations

Steph: Cottrell.

Recd April 11 }
Read Do } 1770.

B. P. R. O. South Carolina. B. T. Vol. 29. p. 1025.
(4 April 1770.)

To the Rt. Honble the Lords of the Committee of His Majesty's most Honble Privy Council for Plantation Affairs.

My Lords,

Pursuant to your Lordships Order of the 3d Instant, we have prepared, and herewith beg leave to lay before your Lordships the Draught of an additional Instruction to His Majesty's Govr of the Province of South Carolina, conformable to the directions contained in your Lordships said Order.

We are,
My Lords,
Your Lordships most obedient
& most humble Servants,
Hillsborough
Soame Jenyns
Geo: Rice
Wm Fitzherbert

Whitehall
April 4th 1770.

(Inclosure)

(Inclosure.)

Additional Instruction to Our Trusty and wellbeloved Charles Greville Montagu Esqr commonly called Lord Charles Greville Montagu Our Captain General and Governor in Chief of Our Province of So Carolina in America; or, in his absence to the Lieut. Governor, or Commander in Chief of Our said Province for the time being. Given

Whereas it hath been represented to us, that Our House of Representatives or Lower House of Assembly of Our Province of South Carolina in America have lately assumed to themselves a power of ordering, without the concurrence of Our Governor and Council, the Publick Treasurer of Our said Province to issue &, advance out of the Publick Treasury such sums of money, and for such services, as they have thought fit, and in particular, that the said Lower House of Assembly did on the 8th day of Decr last past, make an Order upon the said Publick Treasurer to advance the sum of Ten thousand five hundred pounds currency, out of any money in the

the Treasury, to be paid into the hands of Mr Speaker, Mr Gadsden, Mr Rutledge, Mr Parsons, Mr Ferguson, Mr Dart, & Mr Lynch, who were to remit the same to Great Britain for the support of the just and constitutional rights and liberties of the People of Great Britain and America: And whereas it is highly just and necessary, that the most effectual measures be pursued for putting a stop to such dangerous and unwarrantable practice, and for guarding for the future against such unconstitutional application of our Treasure, chearfully granted to Us by Our Subjects in Our said Province of South Carolina, for the Public Uses of the said Province, and for support of the Government thereof, It is therefore Our Will and Pleasure, and you are hereby directed and required, upon pain of Our highest displeasure, and of being forthwith removed from your Government, not to give your Assent to any Bill or Bills, that shall be passed by Our said Lower House of Assembly, by which Bill or Bills any sum or sums of money whatsoever shall be appropriated

ated to, or provision made for defraying any expence incurred for Services or purposes not immediately arising within, or incident to Our said Province of South Carolina, unless upon special requisition from Us, Our Heirs and Successors, nor to any Bill or Bills for granting any sum or sums of money to Us, Our Heirs and Successors, in which Bill or Bills it shall not be provided in express words, that the money, so to be granted, or any part thereof shall not be issued or applied to any other Services, than those to which it is by the said Bill or Bills appropriated, unless by Act or Ordinance of the General Assembly of Our said Province. And it is Our further Will and Pleasure, and you are hereby directed and required, upon pain of Our highest displeasure as aforesaid; not to give your Assent to any Bill or Bills, that shall be passed by Our said Lower House of Assembly, as aforesaid, by which any sum or sums of money whatever shall be granted to Us, Our Heirs and Successors generally, and without appropriation, unless there be

a

a Clause or Clauses inserted in the said Bill or Bills, declaring and providing, that the said money, so to be granted, shall remain in the Treasury, subject to such appropriation as shall thereafter be made by Act or Ordinance of the General Assembly, and not otherwise. And it is Our further Will and Pleasure, that you take especial care, that in all and every Bill and Bills, so to be passed by you, as aforesaid, for raising and granting Publick monies, a Clause or Clauses be inserted therein, subjecting the Public Treasurer or any other person or persons, to whose custody Publick monies may be committed, in case he or they shall issue or pay any such money otherwise than by express Order contained in some Act or Ordinance of the General Assembly, to a penalty in treble the sum so issued contrary thereto; and declaring him or them to be ipso facto incapable of holding the said Office of Treasurer, or any other Office Civil or Military within Our said Province: And it is Our further Will and Pleasure, that this Our Additional Instruction

-struction to you be communicated to Our Council, and Lower House of Assembly of Our said Province of South Carolina, and entered upon the Council Books.

B. P. R. O. South Carolina B. T. Vol. 23. P. 30.

At the Court at St James's the 5th Day of April 1770.

Present

The King's most Excellent Majesty in Council

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated this Day in the words following vizt.

"Your Majesty having been pleased by "your Order in Council of the 9th of February "last to refer unto this Committee a Letter from "William Bull Esquire Lieutenant Governor of "South Carolina to the Earl of Hillsborough "one of your Majesty's Principal Secretary's of "State relative to a Vote passed by the Assembly "of that Province on the 8th of December last in "the words following vizt "Ordered that the "Publick Treasurer do advance the sum of ten "thousand five hundred pounds Currency out "of any money in the Treasury to be paid into the

"the Hands of Mr Speaker, Mr Gadsdon, Mr Rutledge,
"Mr Parsons, Mr Ferguson, Mr Dart and Mr Lynch,
"who are to remit the same to Great Britain for
"the support of the just & constitutional Rights and
"Liberties of the people of Great Britain and America"
"The Lords of the Committee in obedience to your
"Majesty's said Order of reference did on the 13th
"of February last take the said Letter into con-
"sideration, and thought proper to refer the same
"to the Lords Commissioners for Trade and Plant-
"ations to consider thereof and Report to this
"Committee the state of the Constitution of the
"said Province and the usage and practice that
"have obtained with respect to raising and issuing
"money, together with their opinion thereupon - Where
"upon the said Lords Commissioners have reported
"to this Committee "That King Charles the Second
"by His Royal Charter bearing date at Westminster
"the twentieth of March in the fifteenth year of
"His Reign Anno Domini 1662/3 did give and grant
"unto Edward Earl of Clarendon, George Duke of
"Albemarle William Lord Craven, John Lord
"Berkley, Anthony Lord Ashley, Sir George Carteret
"Knight and Baronet, Sir William Berkeley Knight
and

"and Sir George Colleton Knight and Baronet a large
"Territory or Tract of ground bounded within thirty
"six and thirty one degrees of Northern Latitude
"and West in a direct line as far as the South
"Seas, as in the said Charter is more particularly
"setforth.

"That the said Territory or Tract of Ground
"was by His said Majesty in the said Charter
"erected into a Province by the name of Carolina,
"and they the said Edward Earl of Clarendon,
"George Duke of Albemarle, William Lord Craven,
"John Lord Berkeley, Anthony Lord Ashley, Sir
"George Carteret, Sir William Berkley and Sir
"George Colleton were made and constituted the
"true and absolute Lords and Proprietors of
"the said Province, saving the Faith, Allegiance
"and Sovereign Dominion due to the King his
"Heirs and Successors and accordingly by the
"said Charter the said Lords Proprietors are
"invested with all the Royalties, Jurisdictions,
"privileges, powers & authorities necessary for
"the Government of the said Province."

<u>Note</u>. Here follows the "Case" already copied
as an Inclosure to an Order in
Council

Council of 13th February 1770.

The following in conclusion varies considerably from the before mentioned Case, and therefore has been copied

"That the aforegoing recital of facts will "fully inform this Committee of the state of the "Constitution of South Carolina and of the usage "and practice which have obtained with respect "to raising and issuing money for many years "after the Establishment of that Constitution in "its present form.

"That when the Commons House of Assembly "first began to authorize the Treasurer by an "Order of that House alone to advance money "out of the Publick Treasury for such services "as that House thought fit the said Lords Com-"missioners are not able precisely to ascertain: "but it is observable from Mr Bull's letter, that it "is a practice which has obtained only of late "years, and therefore upon the whole they concur "with your Majesty's Attorney General in the "following opinion contained in his answer to "certain Questions founded on the foregoing facts "which Questions were stated to him by the Earl of

"of Hillsborough and have together with his Answer
"been communicated to them by his Lordship vizt
"First. That the Commons House of General As-
"sembly of South Carolina cannot by the Con-
"stitution of that Colony without the concurrence
"of the Governor and Council legally direct the
"Treasurer of the Colony to issue out of the Bal-
"ance or Surplus of Funds arising from Taxes
"granted to the King and appropriated by the
"Legislature of the Colony to certain Publick
"Services, any sums of money for such other
"Publick Services of the Colony as the House of
"Assembly shall alone think fit.

"Secondly. That such a power would be con-
"tradictory to the first and fourth Articles of your
"Majesty's Commission and Instructions, repugnant
"to the nature of the Grant, by which the surplus
"must remain disposeable by the same authority
"that raised it, and that it cannot be warranted
"by the modern practice of a few years irregularly
"introduced and improvidently acquiesced in.

"Thirdly. That the Order of the Assembly of
"the 8th of December last is not to be supported
"in point of Law, not only as they cannot legally
issue

"issue the Publick Treasure by their sole Authority,
"but as the sum is directed to be paid out of any
"money in the Treasury, without regarding the
"payment of the appropriations mentioned in the
"Act of Assembly, and as it is to be applied not to
"the particular service of the Colony and the
"support of the Government thereof, but to be re-
"mitted to Great Britain for the vague and in-
"definite purpose of supporting the Rights and
"Liberties of Great Britain and America to be
"ascertained by the arbitrary pleasure of seven
"particular persons and without an Immediate
"Reference to the Service of that Colony.

"And the said Lords Commissioners sub-
"mitted to this Committee what measures it
"might be proper to advise your Majesty to pur-
"sue in consequence of the above extraordinary
"proceeding of the Commons House of Assembly
"of South Carolina.

"The Lords of the Committee, having on the
"3rd of this Instant taken the whole matter into
"consideration thought proper to direct the said
"Lords Commissioners for Trade and Plantations
"to prepare and lay before this Committee a Draught
of

"of an Additional Instruction for the Governor
"of your Majesty's Province of South Carolina
"to prevent the Assembly from ordering Publick
"Money to be issued in the illegal and unconstitu-
"tional manner stated in the aforementioned
"Report, which the said Lords Commissioners having
"accordingly done, the Lords of the Committee take
"leave humbly to lay the said Draught of Instruction
"before your Majesty for your Royal Approbation"

"And the Lords of the Committee are further of
"opinion that in order the more effectually to put
"a stop to such irregular proceedings for the
"future, the Attorney General of the Province
"should be ordered to prosecute the Treasurer
"according to Law."

His Majesty taking the said Report into consideration, was pleased with the advice of His Privy Council to approve thereof and also of the said Draught of an Additional Instruction, and His Majesty doth hereby Order that His Majesty's Attorney General of the Province of South Carolina for the time being do prosecute the Publick Treasurer of that Province according to Law. And the Governor, Lieutenant Governor or Commander

in

in Chief and also His Majesty's Attorney General of the said Province of South Carolina for the time being and all others whom it may concern are to take notice of His Majestys pleasure hereby signified and govern themselves accordingly.

Rec^d Decr 12 } 1772
Read D^o 21. }

B. P. R. O. South Carolina B. T. Vol. 23 P. 31.

At the Court at St James's
the 5th day of April 1770
Present
The King's most Excellent Majesty
in Council

Whereas there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs humbly offering to His Majesty for His Royal Approbation, a Draught of an Additional Instruction prepared by the Lords Commissioners for Trade and Plantations, for the Governor of the Province of South Carolina directing and requiring him to prevent the Assembly of the said Province from ordering Publick Money to be issued in an illegal and unconstitutional manner. His Majesty taking the same into consideration, was pleased with the advice of His Privy Council, to approve of the said Draught of Additional Instruction, (which is hereunto annexed), and to Order, as it is, hereby Ordered, that the Right Honourable the Earl of Hillsborough,

one

one of His Majesty's Principal Secretaries of State do cause the same to be prepared for His Majesty's Royal Signature.

Recd. Decr. 12 }
Read Do. 21 } 1772.

B. P. R. O.   A. & W. I.   Vol. 226   C. 11

Charlestown, 6th April 1770

My Lord,

On the fourth instant a ship, which sailed from Falmouth on the 18th of February with His Majesty's Packet Eagle, arrived here, so that I have ~~reason~~ to expect daily your Lordships commands by that Packet.

A few days ago I received the inclosed Packet from Governor Shirley of New Providence, tho' by the date of his letter to me, which accompanied it, the letter must have been written in February, before he embarked for Turks Island.

As His Majesty's Packet Le Despencer will not sail these 10 or 12 days I am unwilling to delay it to that time, more especially as the vessel by which I send this is esteemed to sail well.

The letter that came inclosed by the Packet Le Despencer for Governor Bruere of Bermuda, I shall be able to forward in a few days, and that to Mr Stuart who was, a few days before, set out to hold a congress with the Indians

Indians at the Congarees, was sent after him
I have the honor to be with the greatest Respect
My Lord,
Your Lordship's most obedient
& most humble Servant
To Wm. Bull.
The Right Honorable
The Earl of Hillsborough
His Majesty's Principal
Secretary of State for
America at Whitehall.

B. P. R. O. A & W. I. Vol. 226. No. 34

Whitehall, April 14th 1770.

Lieut. Govr. Bull.

Sir,

By the Duncannon Packet Boat, which arrived a few days ago, I recd your dispatches No. 23 & 24 and have laid them before the King.

I should be very happy if persons of ability and reputation in the Profession of the Law of England could be induced to accept of the Offices of Associate Judges in So. Carolina; but the Difficulties and Disappointments I have met with in my search after Persons, fit for such employments, leave me almost without a hope of being able to find such as you describe. I will however use my best endeavours, and if I fail, you may depend upon my paying the greatest attention to the Gentlemen you shall recommend.

It would have been a great satisfaction to me, if the state of public business, in the midst of a Session of Parliament, would have allowed

allowed me to have sooner obtained a decision upon the case of the extraordinary Proceeding of the Commons House of Assembly on the 8th day of Decr but if the inclosed additional Instruction upon that subject should not come in time to prevent a sanction being given by the Legislature to so gross a misapplication of the Public Revenue by making Provision in the Tax Bill for replacing the sum remitted to the Club at the London Tavern, yet it will have the effect to prevent such an abuse for the future, and I trust that the more sober & temperate part of the Assembly will be persuaded of the Justice & Moderation of the Regulations you are enjoined to observe in respect to money Bills, more especially as they have for their foundation in general what was the antient usage & practice for many years after the establishment of Government in So Carolina in it's present form.

It is necessary however that I should acquaint you that you may expect some further Instructions relative to other parts of this business, as the Lords of the Committee

of

of Council have it under Deliberation, whether it may not be necessary that some steps should be taken for a prosecution of the Treasurer according to Law.

The King sees with satisfaction your zealous & commendable endeavours to promote such Articles of Culture, as are for the mutual benefit of this Country & of the Colony, and to excite that Spirit of Industry and Love of Literature, which cannot fail to redound to the future Credit & Advantage of the Colony.

I am &c

Hillsborough

B. P. R. O. South Carolina B. T. Vol. 22 No. 26

April 15th 1770.

My Lord.

By His Majesty's Packet Le despencer on the first instant, I was honoured with your Lordship's letter No. 32, with letters inclosed for Governor Shirley and Governor Bruere and Mr. Stuart the Superintendant all which are forwarded respectively

I am to acquaint your Lordship that according to the intimation in my letter No. 20, when the Tax Bill, read a second time (the method of proceeding observed here) came up to the Council, they objected to the Article in the Estimate which was to replace the £1500 sterling voted the 8th December last; and sent a message to the Assembly relative thereto. The Assembly seeing a rupture unavoidable, and having fourteen Bills ready, they were accordingly presented to me and received my assent on Saturday the 7th instant, and then the Assembly seemed determined to do no more business with the Council in this session, altho' a Bill for the Schools, and one for the encouragement of Tobacco and Flour were engrossed and required only the form of comparing

the

the engrossed Bill with the original by a Committee of Assembly with a Committee of Council, which I regret very much, tho' these matters doubtless will be resumed hereafter.

The Assembly met the Monday following, when I was in hopes they would, from a consideration of the public utility thereof, have consented to present the Tobacco and Flour Bill for my assent, but when it was proposed from the chair, the general voice called out no no. They then turned their thoughts upon what steps were to be taken in regard to the Council. I was unwilling to prorogue them until I could discern and your Lordships be informed what course the stream of their resentment would take. This appeared next day to be an address to the King to pray that a constitutional branch of Legislature might be appointed by his Majesty independent of the Council, and an address to me to procure satisfaction for the insult they had received from the Council. On Wednesday morning when they had just begun the debate upon the Report, I thought it necessary to put an end to the session by prorogation, to prevent their carrying those Resolutions into effect,

especially

especially when I considered that popular Assemblies met in an ill humour, if permitted to continue long assembled, are too apt to be hurried by their heated imaginations into wanton and extraordinary Resolutions, from which they rarely can be brought afterwards to recede. I accordingly prorogued the General Assembly to the 5th of June in case I should receive any matters in command from his Majesty to be laid before them, and if not, I shall continue them by further Prorogation to the middle of July, and endeavour then to have such business taken into consideration, as is most necessary.

Altho' this Prorogation prevented the House from concurring with the Report of the Committee and therefore their Resolutions could not be printed by order, they are, however to be published by the direction of almost all the members as private men.

By His Majesty's Packet Eagle, which will sail in about fourteen days, I shall transmit to the Right Honorable the Lords Commissioners for Trade and Plantations, the Journals of the Council &c Assembly to the end of the Session, that they

may

may be inspected, if any particular information relative to their proceedings is wanted; and also the Acts passed; all which I have ordered to be prepared immediately.

I have the honor to be with the greatest respect,

My Lord,

Your Lordship's most obedient

& most humble Servt

Wm Bull.

P.S. April 16th 1770 as the Gazettes dated April 5th & 12th were delivered out this morning I thought proper to transmit them to your Lordship, as they contain the resolutions of the Committee referred to in the preceding letter, the titles of the Acts passed, and other matters relating to our present situation.

To

The Right Honorable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall.

B. P. R. O. A & W. I. Vol. 226 C. 13 No. 27

Charlestown April 29th 1770.

My Lord,

On the 23d of April by His Majesty's Packet Swallow, I was honoured with a Duplicate of your Lordship's letter No. 33 with letters to Governors Shirley and Bruere, Mr Stuart the Superintendant, and Mr DeBrahm of East Florida which are all respectively forwarded.

I have the honour to acquaint your Lordship that in obedience to His Majesty's Royal Mandamus Mr Stuart his Majesty's Superintendant for Indian Affairs was immediately admitted and sworn in His Majesty's Council of this Province as an extra Counsellor.

As the Clerk of the Assembly cannot bring up his Journals soon enough to go by the Eagle Packet, I shall be obliged to delay them, till the Swallow Packet sails, which may be in about fourteen days, and I shall by that opportunity send also the copies of the last laws and half yearly continuation of the abstracts of the Grants of Land.

I

I purpose in a few days to set out on a tour in our back Settlements as far as the Congaree, Broad River and Waterees, during the temperate month of May, and return in time to express, as I always do, my duty to our most gracious Sovereign, in the most Public and respectful manner in Charlestown, on his Majesty's birth-day. I intend to review three of the Regiments of Militia, which lie most convenient for me. This will tend to raise some spirit of discipline, order and subordination in them. I shall endeavour to encourage and to direct their industry to proper objects, and redress what grievances as are within my power, and as to the rest, quiet their uneasiness and satisfy their discontent with assurances that his Majesty's goodness and the attention of our Legislature will redress all that are reasonable, which I shall represent to be their Duty to confide in, and to wait for with patient hopes.

R. 12 June.

B. P. R. O. A. & W. I. Vol. 226. C 14. No. 25.

Charlestown June 5th 1770.

My Lord,

I have the honor to represent to your Lordship, that at the last General Sessions of the Peace &ca holden for this Province, two young men named William Foust and Christ. Davis were convicted of Murder, and are under sentence of death. Their case appeared to be so hardly circumstanced that the jury recommended them to the Court for mercy, and when the Judges reported to me the sentences of the Criminals, they not only mentioned the desire of the Jury, but added their own that they might be reprieved, and Recommended to the Royal Mercy; opening several matters that placed them in a favourable light, particularly it had appeared on evidence that the person they had shot, a daring Mullatto, by his repeated robberies and outrages, and the difficulty of apprehending & bringing him to Justice, in the frontier parts of the Province, had been considered as a nuisance or ravening wolf.

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wolf, in so much that these two youths at first considered their act as meritorious and not Criminal. I transmit to your Lordship a copy of the reprieves I granted upon this occasion, with my most humble recommendation of these two unhappy youths as proper objects of his Majesty's most gracious pardon, which I intreat your Lordship to lay before his Majesty for his Royal pleasure thereupon.

Your Lordships humanity and Justice will, I flatter myself, permit me to recommend a another person to the Royal Favour. One Robert Bussard, a German, was convicted of an Assault last General Sessions of the Peace and fined one hundred pounds currency equal to about fourteen pounds ten shillings sterling; and to be in Goal till paid. He is one of the persons whom I described in my letter No. 9 as being present and active, when illegal tho' perhaps not undeserved flagellation was inflicted as summary Justice on several persons of notorious ill fame. Since this sentence was passed upon Bussard I have been informed by several persons of good credit, that he has already

paid

paid several sums of money to persons who had been whipped in his presence, by way of satis-faction and to prevent suits at Common Law; whereby he is rendered unable to pay the present fine; which information has since been con-firmed, when I was on my Tour in the back Settlement where he lived, with the addition of his bearing a good character for sobriety in his behaviour and industry in his Plantation. For these reasons I thought proper to suspend the payment of his fine until His Majesty's pleasure should be known thereupon. I have transmitted to your Lordship a Copy of my Warrant of sus-pension and humbly submit his case to your Lordship's favour, that it may be laid before the King, and I may be honoured with His Majesty's Royal Will and Pleasure.

I have the honor to be with the greatest Respect,

My Lord,

Your Lordship's most obedient

To & most humble Servt

The Right Honourable Wm Bull

the Earl of Hillsborough R. 23 July

His Majesty's Principal Secretary

of State for America at Whitehall. (Inclosures)

(Inclosures.)

South Carolina

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth

To all and singular our Judges, Justices, Sheriffs, Bailiffs and other ministers to whom these Presents shall come.

Whereas at a Court of General Sessions of the Peace Oyer and Terminer Assize and General Goal Delivery holden at Charles Town in our said Province of South Carolina on the sixteenth day of April Anno Domini one thousand seven hundred and seventy Before The Honble Robert Pringle, Rawlins Lowndes, George Gabriel Powell and John Murray Esquires our assistant Judges, Christopher Davis was indited for Murder for which offence the said Christopher Davis was tried found Guilty and Condemned to be hanged by the neck on Wednesday the Sixteenth day of May next till he is Dead, as by the Records of our Clerk of the Crown & Peace may more fully and at large appear Now know

ye

ye That we being piously minded of our Special Grace Certain Knowledge and meer motion have reprieved and suspended the execution of the said Sentence upon the body of the said Christopher Davis Do by these Presents Reprieve and Suspend the said Judgment till our further Royal Will and Pleasure shall be known

Given at Charles Town under the Great Seal of our said Province Witness The Honble William Bull Esquire Lieutenant Governor and Commander in Chief in and over the said Province This Twenty eighth day of April 1770 and in the Tenth year of His Majesty's Reign

William (LS) Bull

By His Honours Command

Thos Skottowe Secty

Note. Also a copy of the Reprieve of William Foust dated 28th day of April 1770.

South

South Carolina

By the Honourable William Bull Esquire Lieutenant Governor and Commander in Chief in and over His Majesty's Province of South Carolina

To all and singular the Judges & Justices of our Sovereign Lord the King within the said Province: To George Saxby Esquire his Majesty's Receiver General to the Provost Marshal & all others to whom these presents may come or may concern.

Whereas at a Court of General Sessions of the Peace holden at Charlestown on the third Monday in January last Robert Bussard was found Guilty of an Assault and fined Twenty pounds proclamation money of America and sentenced to remain in Prison until the same is paid, and he having humbly represented to me that he is unable to pay the said Fine and prayed that I would be pleased to suspend the payment of the same until His Majesty's Royal Will and Pleasure shall be

thereupon

thereupon made known. Know ye that I, for divers good causes and considerations me thereunto moving, have thought fit to suspend the payment of the said Fine, and do hereby accordingly suspend the payment of the same until his Majesty's Royal Will & Pleasure shall be thereupon made known of which all persons concerned are to take due notice and govern themselves accordingly.

Given under my hand and Seal at Arms at Charlestown this third day of May in the year of our Lord One thousand seven hundred and seventy and in the tenth year of his Majesty's Reign.

Wm (LS) Bull

B. P. R. O. South Carolina. B. T. Vol. 22. C. 40.

To the Right Honourable the Lords Commissioners for Trade and Plantations

May it please your Lordships.

In humble obedience to your Lordships Commands signified to me by Mr. Pownall I have perused and considered An Act passed in his Majestys Service of South Carolina in August one thousand seven hundred and sixty nine intitled An Act to incorporate the Society commonly called and known by the name of the Fellowship Society. And desiring my opinion thereupon in point of Law.

I am humbly of opinion that the said Act of Assembly taking the facts therein stated to be true is proper in point of Law.

All which is humbly submitted to your Lordships consideration by

My Lords,

yr. Lordships most obedt. hble Servt.

Rd. Jackson

5th June 1770.

Recd. June 5 } 1770
Read Do. 7 }

B. P. R. O. South Carolina B. T. Vol. 22 O. 43

Charlestown June 6th 1770

My Lords,

By his Majesty's Packet Swallow I have the honor to transmit to your Lordships copies of the Laws passed last Session of General Assembly, with a list of their Titles for the more ready inspection of your Lordships; with the Journals and Minutes of Council to the end of the Session; and the half yearly account of Grants passed, all authenticated under the Great Seal. I gave orders to the Clerk of the Assembly to make a copy of the Journals of the Assembly to have been transmitted by this opportunity, but notwithstanding his utmost diligence, he has not been able to compleat them, thro' much sickness in his family for some time past, but I shall send them by a merchant-man that will sail within three weeks.

I have the honor to be with the greatest respect,

My Lord,

Your Lordships most obedient

& most humble Servt

Wm Bull

To

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To the Right Honorable
The Lords Commissioners for
Trade & Plantations at
Whitehall.

Rec.t July 23 }
Read Nov. 7 } 1770.

(Inclosure.)

An Act for building a Powder Magazine at Hobcaw Point and an other on Charles Town Neck and for other purposes therein mentioned.

Passed the 7th of April 1770.

An Act to Encourage the making of Flax Linens and Thread in this Province

Passed the 7th of April 1770.

An Act for Reviving and Continuing the several Acts therein mentioned and for Repealing Part of the Seventeenth Clause of An Act commonly called the General Duty Act, which imposes a Duty on all Mollasses, imported in this Province

Passed the 7th of April 1770.

An

An Act for Repealing An Act intitled An Act for appointing Comm.rs to build a Bridge over the Pond of the Four Hole Swamp commonly called Gibber Pond & to lay out make and keep in Repair a Road to and from the said Bridge as convenient as may be into the Orangeburgh old Road, from the Head of the path leading from Dorchester to Izards Cowpen and for authorizing and impowering the Board of Commissioners of the Roads for the Parish of Saint George Dorchester to lay out and make & keep in Repair the Road mentioned in the said Act.

Passed the 7th of April 1770

An Act for establishing a Ferry over Broad River at the Lands of Martin Shenner also a Ferry over Saludy River at the lands of Charles Carson; and appointing Commissioners to lay out make and keep in Repair several Roads therein mentioned. Passed the 7th of April 1770

An Act for Establishing a Ferry over Saludy River at the Lands of Robert Cunningham an also another Ferry over Savannah River opposite to

to Augusta in Georgia and appointing Commissioners to lay out, make and keep in Repair several Roads leading thereto. Passed the 7th of April 1770.

An Act for Stamping and Issuing the sum of Seventy thousand pounds for defraying the expence of building the several Court Houses and Gaols appointed to be built in the several Districts in this Province &c for other purposes therein mentioned. Passed the 7th of April 1770.

An Act for a Fish Market, and for securing the Lamps in Charles Town.

Passed the 7th of April 1770.

An Act for vesting a Ferry over Sampit River from George Town to the opposite shore leading towards Charles Town in William Allston his exors admors and assigns for a term of years.

Passed the 7th of April 1770.

An Ordinance to appoint Mr Jacob Deveaux Country Waiter for the Port of Beaufort, Port Royal.

Passed the 7th of April 1770.

An

An Act for Establishing a Chapel of Ease on Edisto Island in the Parish of Saint John Colleton County and also a Chapel of Ease in the Upper Part, of the Parish of Saint John Berkley County and for obliging the Rector or Ministers of the respective Parishes to perform Divine Worship in the said Chapels

Passed the 7th of April 1770

An Act for vesting a Ferry from Charles Town to Hobcaw and Scotts Ferrys in Andrew Hibben for the term therein mentioned.

Passed the 7th of April 1770

An Act for laying out and Establishing several New Streets in the North West part of Charles Town and for building a new Parsonage House for the Parish of Saint Philip Charles Town and for empowering the Vestry and Church Wardens of the said Parish for the time being to lay out part of the Glebe land of the said Parish in Lots and to let out the same on building Leases and for other purposes therein mentioned.

Passed the 7th of April 1770

An

An Act forestablishing a Road from Orangeburgh Bridge to Indian Head. A Road from the Indian Head to the Road which leads from the Ridge to Augusta. another Road from the Ridge Road to Long Cane Creek. another Road from Long Cane Creek to Great Rockey Creek and another Road from Great Rockey Creek to mountain Creek near Cuffee Town, and for declaring the Road from Robert Goudys at Ninety Six to the Ridge; and from thence to the Road to lead from the Indian Head to Long Cane a Public Road.

Passed the 7th of April 1770

A True Copy of the Titles of the Fourteen Acts that was Passed the 7th of April 1770. and examined per.

Thos Skottowe Secry

South Carolina
Secretarys Office }

O. 44.

B. P. R. O. South Carolina B. T. Vol. 29. p. 432.
(7 June 1770)

To the King's most Excellent Majesty
May it please your Majesty.

We have had under our consideration an Act passed in your Majesty's Province of South Carolina in August 1769, intitled "An "Act to incorporate the Society, commonly "called and known by the name of the Fellow-"ship Society." Whereupon we humbly beg leave to represent to your Majesty, that Richard Jackson Esquire, one of your Majesty's Counsel at Law, to whom we have referred this Act, having reported to us, that he is of opinion, that the said Act of Assembly, taking the Facts therein stated to be true, is proper in point of Law; and the said Act appearing to us to have passed through all the forms prescribed by your Majesty's Instructions, relative to the passing of Laws of a private nature, the same being accompanied by a Clause suspending its execution, till your Majesty's Pleasure thereupon shall be obtained. We humbly lay this Act before your

your Majesty for your Majesty's Royal confirmation and allowance.

Which is most humbly submitted.

Soame Jenyns
John Roberts
Wm Fitzherbert
Robt Spencer
Greville
W. Northey

Whitehall
June 7th 1770

B. P. R. O. South Carolina. B. T. Vol. 22. No. 29.

Charlestown June 7th 1770

My Lord,

In the latter end of April we had the pleasure of Governor Tryons Company here for a few days, during which his Excellency's attention to the duties of his Public Office always appropriated some hours, in the midst of our hospitable endeavours to entertain him, to discourse with me upon such matters as he thought might promote the service of his Province, and in particular with regard to our Boundary line. I was very happy in a concurrence of sentiments with his Excellency upon the urgent necessity of a continuation thereof from the place where the Commissioners left off, near Wateree or Catabaw River in 1764, but I cou'd by no means agree to his proposal that this continuation shou'd be by a direct west course from that line, but that the line proposed in a report made by a Committee of his Majesty's Council of this Province, transmitted last year to your Lordship and Mr Garth by Lord Charles Montagu appeared to me to be

be very reasonable, and as that matter was now lying before the King, we must wait for the Royal Pleasure upon the arguments adduced by the two Provinces in support of their respective pretensions. As I have formerly troubled your Lordship upon the necessity of continuing the Boundary till it intersects the North line, constituting the limits between his Majesty's subjects and the Cherokees, I shall not presume to add any thing further on that subject, as I am satisfied all the dispute will be given thereto that his Majesty's more important affairs can admit.

As I took the liberty of mentioning in my last letter my intention to make a tour through some of our Western Settlements, I shall now do myself the honor to represent to your Lordship the extent of my Tour, about three hundred and fifty miles, with such observations relative to the condition and prosperity of the Province as occur to me. As I presume your Lordship has a map, I shall mark my movements upon that. I went in a Chariot, to prove the practicability of the Roads, and proceeded near the Banks of Santee River. At Beaver Creek I reviewed the militia of

Congaree,

Congaree, Amelia and Orangeburgh Townships,
where 756 rank and file appeared, and, tho' aukward
in their exercise, were willing to be improved. I
then crossed above the conflux of Broad and
Congaree Rivers & reviewed the Militia between those
rivers, which, tho' by return amount to 2005 men,
made a very slender appearance as to numbers
and men. The Coll^s excused the former on acco^t
of the apprehensions of having their horses stolen
away, if they were all absent from home, and the
busy time of approaching harvest, and I confess
the characters of some and dress of all gave me
a lively idea of the Founders of Antient Rome.
I thence crossed the Country to Cambden, a vil-
-lage settled upon private Land, a little above Freder-
-icksburgh Township on Wateree River. Here I re-
-viewed the Militia lying upon Wateree between Broad
River and the sources of Black River up to the
Boundary line, the returns amount to 2210 men.
There were 1360 rank and file under arms, every
man come on horse back. I took some pains to
instruct them in the use and manner of platoon
firing, with which they were well pleased, and the
officers agreed to meet and improve in their learn-
-ing

ing the military exercises. In my return I reviewed a small battalion of Militia at Monks Corner. I am sorry to inform your Lordship that the spirit of the militia is at a very low ebb, even in those parts of the Province where it is most necessary; near the sea coast against the invasion of foreign, and the Insurrection of our Domestic Enemy. Tho' every man is expert in the use of a gun, as an individual, I endeavoured to make them sensible that it is discipline alone and exercising in a body, that can enable them to oppose or make them formidable to an enemy. Tho' I did not go much further West than the Congarees, it may be proper to mention that the returns of Militia lying above Congaree and between Saludy & Savannah Rivers amount to 1265 men, so that upon our North West frontier we have 5480 men exclusive of the numerous Settlements on the branches of Peedee towards the Boundary line. Having thus passed the undisciplined Militia in Review before your Lordship, give me leave to open the more pleasing scene of Agriculture in those parts. The face of the country is very different from the flat sandy soil which generally prevails within fifty or sixty

miles

miles of the sea coast, as we leave that, the lands swell into hills, encreasing as we go farther back. Here we meet with a variety of gravel, rock, chalk slate with appearances of Iron & Copper mines tho' the most valuable mines to a commercial people lie within the reach of the Farmers plough fields of wheat, oats, barley, rye, Indian corn, indico. Hemp, Tobacco, & madder lately are cultivated here. I visited with great satisfaction the vineyard of the Poor German at Broad River whom I mentioned to your Lordship in my letter No. 19, where I saw 1600 vines neatly planted, clear from weeds and well inclosed. That your Lordship may see what industry and perseverance can perform when assisted by a fertile soil and a beneign climate, I must take the liberty to acquaint your Lordship that this man began his experiment with vines eight years ago, with only five cuttings, that he has distributed cuttings to ten of his neighbours some of whom have now 500 vines. I cannot omit here to acquaint your Lordship that I have received accounts from the French Protestants of N. Bourdeaux in Hillsborough that most of the vines I sent there last Spring, mentioned in my

letter

letter No. 23 to your Lordship have taken root, and the French and Germans may now contend for the honor of first introducing wine into this Province.

The Country being well watered affords many conveniences for Mills, which are erected only for the necessary purposes of sawing and grinding grain. The facilitating the carriage of produce to the market is of great consequence to the planter, as it in some degree draws his land nearer the Metropolis, there is now in contemplation the cutting a canal or communication from the head of Cooper River to Santee, through which the valuable articles raised upon the wide spreading branches of Santee, may be conveyed at the small expence of water carriage to Charlestown. At present there are computed to be 3000 waggons come to Charlestown in a year, loaded with Deer Skins, Indico, Flour, Bisket, Hemp & Tobacco, which calculation is not far from the truth, as precise accounts are taken of the numbers which pass over Ferries.

Sensible that every trespass on your Lordship's public hours is a trespass upon the public wellfare, I have endeavoured to present to your Lordship's view

view a prospect of our Province in miniature, tho' I fear your Lordship will think I am so pleased with the subject that I forget myself. I confess, my Lord, I am pleased with it as it opens a view of great growing prosperity to this Province, and on such grounds as will nourish no seeds of jealousy and rivalship, but will tend always to keep up a correspondence and commerce with our Mother Country. And I must request your Lordship will do me the justice to believe that in all, I may seem to have painted in too florid colours, I have borrowed none from imagination to adorn this subject, I have most literally adhered to truth, which I always observe when I write to your Lordship, and never more particularly than when I profess myself to be with the greatest respect,

My Lord,
Your Lordship's most obedient
& most humble Servant,
W^m. Bull.

P. S. Rather than give your Lordship the trouble of another letter I beg leave to mention that I have prorogued the General Assembly till

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till the 23d July next, at which time, if I can discern a probability of doing business I shall permit them to sit.

To

The Right Honorable
The Earl of Hillsborough
His Majesty's Principal
Secretary of State for
America at Whitehall.

R. 12 Sept.

B. P. R. O.   A. & W. I.   Vol. 226.   No. 35

Whitehall 12th June 1770

Lieut. Govr. Bull.

Sir,

I received and laid before the King your Dispatches Nos. 25 and 26. and also your letter of the 6th of April which is not numbered.

His Majesty's Law Servants having some time ago, upon a Case which occurred in New York, given a very solemn opinion that there is no authority in the Commissions in the Plantations, grounded on the Statute of the 11th & 12th of William the Third, to try Persons charged with Murder committed on the High Seas, and that Murder is not comprehended in the Crimes described in that Law, I find myself involved in a difficulty in respect to the Case of Matthew Turner, and must defer sending you any Orders thereupon until I have consulted the Attorney and Solicitor General, which I shall not omit to do as soon as possible; in the mean time I send you for your Information a copy of the opinion

above

above alluded to.

I am very sorry to find, by your Dispatch No. 26, that the Assembly appear so obstinately bent to support the unwarrantable Act of the 8th of December last; but I trust that when they are apprized of His Majesty's Determination upon this matter, expressed in the Additional Instruction of the 14th April last, and consider not only the equity of that Determination but His Majesty's gracious Indulgence in allowing this matter to be settled, upon those Precedents which they themselves established and for many years adhered to, they will readily acquiesce therein, and, by reverting to that practice, put an end to the cause of future Disagreement, without recourse to an alteration of the Government founded on Constitutions, long since exploded and laid aside as impracticable.

The inclosed Order of His Majesty in Council containing His Majesty's further directions in respect to the Proceedings in question will be an additional proof of a Determination not

not to recede from the just Principles of the Constitution, and to control, as far as it can be done by Law, every deviation therefrom; and it is my duty to desire that you will take every prudent step for carrying the King's Commands, expressed in this Order, into due execution.

I am &c.

Hillsborough

B. P. R. O.   A. & W. I.   Vol. 226   No. 36.

Whitehall, 12th June, 1770.

Lieut. Gov. Bull.

Sir,

Since my separate Letter of this day's date was wrote I have received a Dispatch by the Eagle Packet containing a Duplicate of your Letter No. 26, and a paper in the form of a Letter numbered 27 and dated the 29th of April, but without any name subscribed.

It contains nothing material and therefore the omission is of no consequence, & I only mention it as a caution for the future against the like accident.

I am &c.

Hillsborough

B. P. R. O. South Carolina B. T. Vol. 22. No. 30.

Charlestown June 13th 1770.

My Lord,

In obedience to your Lordship's commands in your letter No. 31, after mature consideration keeping in view the suggestion in my letter No. 21 I have the honor to transmit to your Lordship the names of Robert Pringle, Rawlins Lowndes, George Gabriel Powell & Jno Murray Esquires as proper to be associate Judges. They are men of integrity understanding and property, but not bred to the Law; They are as well qualified as most who would consent to act in that Office, and have in some degree a preference over others of equal fitness, on account of their having acted already in that Office and thereby acquired some knowledge in the common forms of business.

I have the honor to be with the greatest Respect,

My Lord,

Your Lordship's most obedient

& most humble Servant,

Wm Bull

To

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To

The Right Honorable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall.

R. 12 Sept.

B. P. R. O.   A & W. I.   Vol. 226

Whitehall, June 14th 1770

Advocate, Attorney & Solicitor General.

Gentlemen.

I am commanded by the King to transmit to you the inclosed copy of a letter I have received from the Lieutenant Govr of South Carolina together with a copy of the Paper therein referred to, relative to the case of Matthew Turner who was lately tried in that Colony for a Murder committed upon the High Seas in the Bay of Honduras: and I am to desire you will take these Papers into your consideration together with the inclosed copy of a Report of His Majesty's Advocate, Attorney & Solicitor General in 1761, relative to the Provisions of the Act of Parliament of the 11th & 12th of William the third for the more effectual suppression of Piracy on which Act the proceedings against Mattw Turner appear to have been founded, & that you will report to me your opinion what steps it may be proper to take in the case of this unhappy Person who is

is recommended by the Lieutenant Governor
as a proper object of the Royal Mercy

I am &ca

Hillsborough

B. P. R. O. South Carolina B. T. Vol. 23. P. 32.

At the Court at St James's
the 15th Day of June 1770.
Present
The King's most Excellent Majesty in Council

Whereas the Lieutenant Governor of His Majesty's Province of South Carolina with the Council and Assembly of the said Province did in 1769 pass an Act which hath been transmitted in the words following vizt

An Act to Incorporate the Society commonly called and known by the name of the Fellowship Society.

Which Act having been perused and considered by the Lords Commissioners for Trade and Plantations and by them presented to His Majesty at this Board as proper to be approved His Majesty was thereupon this day pleased with the advice of His Privy Council to declare his approbation of the said Act, and pursuant to His Majesty's Royal Pleasure thereupon expressed the said Act is hereby confirmed finally enacted and ratified accordingly-

Whereof

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Whereof the Governor, Lieutenant Governor or Commander in Chief of His Majesty's said Province of South Carolina for the time being, and all others whom it may concern are to take notice and govern themselves accordingly.

Recd Decr. 12 }
Read Do. 21 } 1772.

B. P. R. O. South Carolina B. T. Vol. 22. O. 115.

Charles Town, June 20th 1770

My Lords,

I have the honor to transmit to your Lordships the Journals of the Commons House of Assembly containing their proceedings from the beginning to the end of the Session on the eleventh day of April last, authenticated under the great Seal of this Province.

I have the honor to be with the greatest respect,

My Lords,

Your Lordships most obedt

& most humble Servt

Wm Bull

To

The Right Honorable

The Lords Commissioners

for Trade & Plantations

at Whitehall.

Recd July 28.
Read Nov. 7 } 1770

B. P. R. O. South Carolina. B. T. Vol. 22. No. 31.

Charlestown July 16th 1770

My Lord,

On the 4th instant, by the Sandwich Packet, I was honoured with your Lordships letter No. 34, with His Majesty's additional Instruction, to which a most punctual obedience shall be paid by me.

The letters from your Lordships Office therein inclosed are all respectively forwarded.

The General Assembly are prorogued to the 23d instant & at that time I shall further prorogue them to the 6th of August, & by Proclamation give notice that they are then to meet for the dispatch of business, and it is possible I may by that time receive His Majesty's Pleasure upon the matter, which your Lordship in No. 34 informs me was then under the deliberation of the Lords of the Committee of His Majesty's most Honorable Privy Council.

I am to acquaint your Lordship that on the 17th of last month Mr. Motte the late Treasurer died, and on the day after his funeral, I with the

the concurrence of His Majesty's Council in pursuance of the directions of the Act of Assembly for appointing the Public Treasurer and other Public Officers (passed the 20th September 1721, to be seen at large in the first Vol: of Carolina Law) appointed Henry Peronneau Esquire to continue till the next meeting of the General Assembly, as he is a man of good Estate a very good accomptant and hath long maintain'd the character of a sober and honest man in this Town.

Your Lordship will have, long since, received my letter No. 26 and with it, I flatter myself, some satisfaction to see that the Vote of the Commons House of 8th Decemr. had not received the sanction of the Legislature of this Province. I had very early signified my sentiments to the Gentlemen of the Council in a private way, and left the matter when under their consideration in their Legislative capacity to their own judgments; as I think it my duty never to interfere in the freedom of their Debates, and to avoid every step towards violating Parliamentary priviledges in both Houses of Assembly.

I received from Mr. Pownal, by your Lordship's directions

directions, the Act of Parliament repealing the three Articles in the American Revenue Act, which your Lordship was pleased to mention last summer, as the intention of His Majesty's ministers to procure the repeal of. Altho' I am sorry to add, that I cannot perceive that it hath, as yet, produced any alteration in the nonimportation plan, we are too apt to cast our eyes to the North Star of Boston in our Political Navigation, altho' the Commercial Interests of this Province differ very much from that.

I have the honor to be with the greatest Respect

My Lord,

Your Lordship's most obedient

& most humble Servt.

To Wm. Bull

The Right Honorable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall.

B. P. R. O. A. & W. I. Vol. 226 No 37

Whitehall, July 31st 1770.

Lieut. Govr Bull.

Sir,

I have received and laid before the King your Dispatches Nos 28 and 29, and have the satisfaction to acquaint you that His Majesty has been graciously pleased to extend His Royal Mercy to William Foust and Christopher Davis, and inclosed I send you a copy of His Majesty's Warrant to the Recorder of London for inserting their names in the next general Pardon that is passed for the Convicts in Newgate: I am also to signify to you, His Majesty's Commands that the Fine inflicted upon Robert Bussard should be entirely remitted.

I am very much obliged to you, for a communication of the very useful and entertaining observations you made, in your late tour through the Province under your Command, and shall be very happy to concur with you in any measures which you think may have the

the effect to promote such an improvement of its natural advantages as shall render it a source of strength and riches to the British Empire.

The arguments which have been urged by each of the Provinces of Carolina in support of their respective propositions for a Boundary Line have been by the King's Command laid before the Board of Trade, & therefore I shall not fail to communicate to that Board what you say upon that subject in your Letter No. 29.

I am &c.

Hillsborough.

B. P. R. O. A. & W. I. Vol. 226.

Charlestown, August 10th 1770

My Lords,

I have the honor to inform your Lordships, that at a Court of General Sessions of the Peace holden at Charles Town last October Daniel Price was found Guilty of killing a Negroe, in a sudden passion whereby under the 36th Clause of the Act of Assembly for the better ordering and governing of Negroes and other Slaves passed 10th day of May 1740 he incurred the penalty of Three hundred and fifty pounds currency, equal to fifty pounds sterling; by the 54th Clause Fines and Penalties inflicted by this Act are applicable to the service of His Majesty in this Province under direction of the General Assembly.

Price stood committed until he paid the penalty; after above four months imprisonment, finding himself unable to pay it, he petitioned me for relief. Upon taking his case into consideration, that if he had been found guilty of the like offence against a white man

he

he would have been intitled to the benefit of Clergy, and been immediately discharged upon burning in the hand, & as I thought suffering so long an imprisonment equal at least to the penalty, and that the continuance of such a man in Goal after that, to be only an useless burthen on the Province, besides keeping a man idle, whose labour would be of some use to the community. I suspended the payment of the penalty till his Majesty's pleasure thereupon should be known. I transmit to your Lordships a copy of my Warrant for suspending payment of the penalty, and submit the whole to your Lordships consideration.

I have the honor to be with the greatest respect,

My Lords,

Your Lordships most Obedient
and most humble Servant,

To
Wm Bull

The Right Honble
The Lords Commrs
for executing the Office of
Lord High Treasurer of
Great Britain at Whitehall.

B. P. R. O. A. & W. I. Vol. 226 C. 17

Whitehall Chambers, 15th August 1770.

Sir,

Upon reading a letter from the Earl of Hillsborough enclosing a letter from the Lieutenant Governor of South Carolina, relative to his suspending a fine of one hundred pounds inflicted on Robert Bussard a German, and acquainting my Lords that unless their Lordships have any objection, he shall take the King's pleasure for the entire remission of the said Fine. I am commanded by my Lords Commrs. of his Majesty's Treasury to acquaint you for the information of the Earl of Hillsborough that their Lordships have no objection to the remission of the said Fine.

I am, Sir,
Your most humble Servant,
Grey Cooper.

John Pownall Esqr.

R. 18th

B. P. R. O. A. & W. I. Vol. 226.

(August 1770)

To the Right Honourable the Earl of Hillsborough one of His Majesty's Principal Secretaries of State

May it please your Lordship.

In humble obedience to his Majesty's Commands signified to us by your Lordship's Letter of the fourteenth of June last inclosing a copy of a letter received from the Lieutenant Governor of South Carolina together with a copy of the paper therein referred to relative to the case of Matthew Turner who was lately tried in that Colony for a Murder committed upon the High Seas in the Bay of Honduras desiring us to take the same into our Consideration together with an inclosed copy of a Report of His Majesty's Advocate, Attorney and Solicitor General in 1761, relative to the Provisions of the Act of Parliament of the 11th and 12th of William the Third for the more effectual suppressing of Piracy. On which Act the proceedings against Matthew Turner appear to have been founded, and that we would

would Report to your Lordship our opinion what steps it may be proper to take in the case of this unhappy Person who is Recommended by the Lieutenant Governor as a proper object of the Royal Mercy.

We have taken the same into our consideration and are of opinion that the only proper and legal way of carrying into effectual execution His Majesty's Gracious Intention of Pardoning the Person mentioned in the Papers inclosed would be by a Pardon to be passed under the Great Seal; but as we understand that a practice has been Introduced into the Colonies similar to that of Circuit Pardons in England. It may be sufficient to pursue that course in the present case.

All which is submitted to your Lordship's Consideration.

James Marriott
Wm. de Grey
E. Thurlow

Aug. 1770

R. 21st Sept.

B. P. R. O. South Carolina. B. T. Vol. 22. No. 32

Charlestown, August 16th 1770.

My Lord,

I have the honor to inform your Lordship that at a Court of General Sessions of the Peace held last October, Daniel Price was found guilty of killing a Negroe in a sudden heat of passion. By the 36th Clause of our Negroe Act, passed May 10th 1740, he thereby incurred the Penalty of £350 Currency, by the 54th Section of that Act the Fines and Penalties are granted to His Majesty for the service of this Province, to be disposed of by the General Assembly. Price stood committed till he paid the Penalty. After above four months imprisonment, finding it impossible to procure money to pay it, he petitioned me for relief. When I considered that if he had been tried for killing a white man in that manner, he would have been entitled to the benefit of Clergy, and upon being burnt in the hand in Court been immediately discharged, and that suffering so long imprisonment was at least equal to the Penalty, and that the continuing

him

him in Gaol after that suffering in purgatory, He would be only an idle burthen to the Province which maintained insolvent criminals & might otherwise be of service to the community by his labour, and that the owner of the Negroe intitled to half the penalty had relinquished his share I thought it reasonable to suspend the payment of his fine till his Majesty's pleasure should be thereupon known. I transmit to your Lordship a copy of my Warrant for that purpose. And I entreat your Lordship that the same may be laid before the King and I may receive His Majesty's commands thereupon.

I am sorry your Lordship should have any trouble on account of the Court of Admiralty Sessions founded upon the Statute of 11 & 12 Will: 3d having taken cognizance of a crime of which they had no Jurisdiction. I hope the Court have not incurred any censure of presumption therein, when it is considered that there are several instances of that Court in several Provinces having taken cognizance of murder on the High Seas. As upon the opinion of his Majesty's Attorney and Sollicitor General, it appears that murder on the

High

High Seas cannot be tried under that Commission it must be tried in Great Britain according to the Statutes of Henry 8th. Will your Lordship permit me to observe that the bringing such offenders to justice, by sending them from America to Great Britain, with the Evidences, will be attended with great risque difficulty and expence, whereby such crimes may too often escape condign punishment. I beg leave further to add that His Majesty's Colonies in America are become so much improved in population since the making the Act of the 11th & 12th Wm. 3d as to be able to furnish proper Juries if the mode of Trial prescribed in the 27th & 28th Henry 8th were extended and adapted to his Majestys Dominions in America.

By His Majesty's Packet Le Despencer, on the 8th instant I was honoured with his Majesty's Order in Council upon a Report of the Lords Committees of his Majesty's most honorable Privy Council, ordering his Majesty's Attorney General in this Province to prosecute the Public Treasurer of this Province for his irregular proceedings on the 8th December last, to which, as it is my duty, I should have paid the most ready obedience, but as Mr.

Motte

motte the late Treasurer died on the 19th of June last and before I had received the King's Commands, I have not taken any step in that prosecution, as I humbly apprehend that the Action against that Officer died with the man.

I have the honor to be with the greatest respect,

My Lord,

Your Lordship's most obedient

& most humble Servt

To Wm Bull.

The Right Honourable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall.

(Inclosure.)

S. Carolina

By the Honourable William Bull Esquire Lieutenant Governor and Commander in Chief in and over His Majesty's Province of South Carolina.

To all and singular the Judges and Justices of our Sovereign Lord the King within the said

said Province. To Jacob Motte Esqr. His Majesty's Public Treasurer of the said Province. To the Provost Marshall and all others to whom these presents may come or may concern.

Whereas at a Court of General Sessions of the Peace &ca. holden at Charlestown on the third Monday in October last Daniel Price being convicted of killing a Negroe in a sudden heat of passion incurred the Penalty of three hundred and fifty pounds Currency by the Act of the General Assembly made for the better ordering and governing negroes and other Slaves in this Province one moiety thereof to be paid the Public Treasurer, and the other moiety thereof to be paid to Isaac Lisserne the informer and owner of the said Slave, agreeable to the directions of the said Act, and was sentenced to stand committed till the same is paid: And he having already suffered a long confinement, and having by Petition humbly represented to me that he is totally unable to pay the said Penalty, and that the owner of the Slave is willing to remit his moiety of the same, praying that I would be pleased to suspend the payment of the other moiety thereof

of until the King's Pleasure shall be thereupon made known Now Know ye that I for divers good causes and considerations me thereunto moving have thought fit to suspend the payment of his Majesty's said moiety And do hereby accordingly suspend the payment of the same until his Majesty's Royal Will and Pleasure shall be thereupon made known, of which all persons concerned are to take notice and govern themselves accordingly.

Given under my hand and seal at Arms at Charlestown this sixteenth day of June in the year of our Lord one thousand seven hundred and seventy and in the tenth year of his Majesty's Reign.

B. P. R. O. South Carolina B. T. Vol. 22. No. 33

Charlestown August 17th 1770

My Lord,

A few days ago three Spanish vessels arrived in this Province, bringing Credentials from the Marques Christoval de Zayas Major General of his Catholic Majesty's armies and Governor of the Province of Yucatan in Spanish America addressed to the Governors of Carolina or Virginia, requesting protection to them and permission to purchase provisions, and that the price of provisions might not be raised upon them in this case; and producing papers or letters of Licence from the Royal Officers of Commerce for that Province, granting these Spanish vessels permission to proceed to any State in amity with his Catholic Majesty for purchasing a supply of mayz, beans, rice, flour and bisket (& to carry nothing but bullion with them) for the poor Inhabitants of Yucatan, who are in great distress and danger of a famine occasioned by a very extraordinary drought, the truth of which distress was further confirmed by private letters from

from Jamaica. I thought myself bound by the laws of humanity, the laws of Nations, and, above all, by the Divine Law, and the Treaties and good harmony subsisting between his Majesty and the Catholic King, to give all the relief in my power by granting permission to these Spaniards to purchase all the Articles but Rice, signifying to them that rice could not be exported to the King of Spain's Dominions in America, by the Laws of England, except in English Bottoms: However Mr Gordon a very respectable merchant in this Town, who acts as agent for the Spaniards represented to me that he had used his best endeavours to compleat their loading with all the Articles except rice, but at this scarce season he could not effect it, and that he had also endeavoured to hire English vessels to carry Rice but could not procure any, their Cargoes and ports of destination being already fixed. I communicated this matter to his Majesty's Council who upon considering the urgency of the case advised me to grant Licence to the Spaniards to take rice on board, taking care that all the dues to his Majesty payable by direction of the English

Acts

Acts of Parliament, particularly the 4th of his present Majesty should be paid to the Collector of his Majesty's Customs. I thereupon accordingly gave Licence for taking on board their vessels a quantity of rice not exceeding in the whole eighty Barrels. I hope the extraordinary step that I have taken in this extraordinary case will be honoured with his Majesty's approbation, and if it may be thought of consequence enough to be communicated to the Ambassador of his most Catholic Majesty it will be considered by his Excellency as a proof that his Majesty's most remote subjects have pleasure in executing the Royal Commands, in giving assistance and relief to the subjects of his Majesty's allies who stand in need of and apply for it.

I have the honor to be with the greatest Respect,

My Lord,

Your Lordships most obedient

& most humble Servt

To Wm Bull.

The Right Honorable

The Earl of Hillsborough

His Majestys Principal Secretary

of State for America at Whitehall.

B. P. R. O. South Carolina B. T. Vol. 22. No. 34

Charlestown, Augt 23d 1770.

My Lord,

As soon as I had received the Address of the Assembly in answer to my short speech at the opening of the Session on the fourteenth instant I immediately communicated to them a copy of his Majesty's Additional Instruction, but as I understood the Assembly were determined to resume the consideration of their resolves, passed last April, I thought it most prudent not to mention it in that public manner. The Assembly accordingly did resume the consideration of the resolutions and agreed to all of them with some softening, except the two which proposed the addressing me for satisfaction of the Council, and that wherein they proposed addressing his Majesty to appoint a new branch of Legislature independant of the Council, both which were disagreed to by the House.

I yesterday received a message from the Assembly, a copy whereof with my answer thereto, I take the liberty of inclosing to your Lordship. Notwithstanding

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standing this appearance of some dispute I am willing to flatter myself that all business will go on except the Tax Bill; which I presume they will clogg with the Article of Fifteen hundred pounds sterling according to the vote of Decem.r last.

I beg leave to observe to your Lordship that this unfortunate vote has embarrassed many of the moderate members: It was passed, as I had the honor to represent to your Lordship, in my dispatch N.o 20 in a very hasty manner where there was no time to consider the propriety of the application, or the mode of issuing the money. Many who wish it had never passed, are nevertheless very averse to rescind or censure it, as is the common disposition of all popular Assemblies. They adhere to resolutions once made, and all possible industry will be used to prepare arguments to give colour to and perseverance in inserting that Article in every Tax Bill, till this matter is settled, there being no other way to exonerate the individuals who received and remitted the money. They urge that as they received no private benefit but intended it for the Public Service, tho' they might be mistaken in those

intentions

intentions, it will be a very hard case to be obliged to refund from their private purses. I am encouraged to mention this embarass, by some very favourable expressions in your Lordship's letter No. 35, vizt. "his Majesty's gracious indulgence in allowing "this matter to be settled upon those precedents "which they themselves established and for many "years adhered to." Some doubts have arisen in my mind whether I am to understand that this fifteen hundred pounds tho' incurred for purposes not immediately arising within or incident to this Province may be provided for if done according to the former usages and manner prescribed by the Instruction, as being previous to the Instruction and within the rule of Ex post facto regulations, or in what other manner his Majesty's gracious indulgence is to be received.

The punctuality with which I endeavour to execute his Majesty's Commands and the Pleasure I have in communicating any indulgence from the Royal goodness make me very cautious in forming an opinion in what manner I am to act in this particular case. I have and shall again consider it with great attention before I determine,

determine, and if I should happen to think I am warranted by the above recited expressions to settle this matter, or if, on the other hand, I should think myself bound by the Instruction from passing any Law that will settle it. I humbly request your Lordship's favourable representation to his Majesty of the rectitude of my intentions in case I shoud, in either side of the question, unhappily mistake the Royal Will. In the mean time I most earnestly entreat your Lordship to signify as soon as possible what it is my duty to do on this occasion; which may reach me before Christmas.

I have the honor to be with the greatest respect,

My Lord,

Your Lordship's most obedient

& most humble Servt

To Wm Bull.

The Right Honourable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall.

B. P. R. O. South Carolina B. T. Vol. 22. No. 35.

Charlestown Sepr 8th 1770.

My Lord,

I have the honor to transmit to your Lordship copies of a second message from the Assembly to me, with my answer thereto, and of several Resolutions of the Assembly relative to the Kings last Additional Instruction, with a message to me signifying their having concurred thereto. The language of these Resolutions leaves me no room to explain their meaning. They are the result not of precipitate warmth, but of three weeks deliberation. I shall only beg leave to inform your Lordship by what I can discern, that the two grand points of their right to issue monies by their order on the Treasurer in the manner by them practiced, and of the application thereof to such purposes as they think proper, whether local or not, seem to me to be what they will very tenaciously adhere to.

The Terms made use of in claiming rights in direct contradiction to the King's Instruction as

as well as the disrespectful expressions regarding his Majesty's ministers, might well have justified my immediately dissolving or proroguing the General Assembly. But when I considered that such a measure would only cover for a time, but not extinguish the flame, which would certainly break out with more violence at their next meeting, and that whatever inconveniencies must attend this interruption to Public business, would, by a dissolution, be only protracted, I thought it most advisable for his Majesty's Service on all accounts to permit the Assembly to shew the whole of their claims and arguments in support thereof, by their Agent, according to their last Resolution; to the end that the matter might be fully discussed and finally settled, and they be disarmed in future of every plausible complaint, that they were debarred from approaching the Throne to undeceive our most gracious Sovereign, and thereby avert the King's displeasure from his dutiful and loyal Subjects the Commons House of Assembly of this Province.

3 As there seems no disposition in the Assembly

to

to do business until this matter is settled, I have prorogued them to the 16th day of January, by which time I hope to be honoured with his Majesty's Royal Will & Pleasure, if not compleat yet so far as to give me some light to guide my steps thereupon in the mean time.

Altho' I am sensible the wisdom of his Majesty's Councils does not proceed upon a bare Representation of facts laid before his Majesty by any of his Governors, but that such Representation is referred for further examination; and that the best evidence is required and arguments advanced thereupon before any measure is formed. It nevertheless becomes my duty to explain the matter more fully, as it is my ambition to stand clear in the opinion of his Majesty and your Lordship from having been deceived myself or having intentionally deceived his Majesty in any thing related in my letter No. 20 in which I humbly apprehend there will appear no essential variation from truth; I might hope for some allowance, if the greatest exactness should not have been observed, when it is considered that in the hurry of writing then, to avail

myself

myself of the conveyance of that ship, I was obliged to trust only to memory in what I mentioned relative to the power and proceedings of the Assembly.

The importance of clearing up this matter from the Journals of the Assembly, which is evidence of the best authority in this case, I trust will plead my excuse to your Lordship for being so tedious in stating and so particular in searching precedents of the several modes of advancing monies out of our Treasury First by Resolution concurred to by Governor Council and Assembly, almost equivalent to an Ordinance; Secondly by Orders in the Assembly to the Treasury to advance monies upon requisition of the Governor, of an inferior degree of validity; And lastly of orders from the Assembly alone; in which last it is submitted to consideration, how far a few instances of orders, that may have passed, sub silentio, from the notoriety or reasonableness of the service, are sufficient to establish a Parliamentary right and whether the orders of the 2d Augt 1765, for issuing £600 sterling

and

and that of the 8th December last for £1500 sterling, are within that predicament, I have taken the liberty to inclose a list of the dates of several precedents from the Journals of the Assembly of each mode, which with the following account of the gradual growth of the Power of the Commons House of Assembly, may serve as a kind of clue to conduct such of his Majesty's servants as may be employed in that service, with somewhat less trouble, through a labyrinth of Journals for thirty years past, from which Journals, not the bare representations of Governors such arguments, inferences and proofs may be drawn, as must establish or refute the resolutions, especially the words false partial and insidious, charged in the sixth.

I proceed now with your Lordship's permission to give a summary history of the alteration in the manner of granting money to his Majesty, and the gradual increase of the Power of the Assembly. I shall beg leave to take up the account where the Right Honourable the Lords Commissioners for Trade and Plantations left off, only reciting that till 1736 the Estimate annexed

annexed to the Tax-Bill was founded upon the salaries for the established officers, and the accounts of Public Creditors, which were then examined and settled by a Committee of Council, and a Committee of Assembly jointly. In the end of the year 1736 a new Assembly was convened, in which a spirit began to appear that laid claim to the same exclusive right in the Assembly of framing, altering and amending money Bills, which is exercised by the House of Commons in Great Britain. The Public Accounts were audited by a Committee of Petitions and Accounts appointed by the Assembly only. In the beginning of the year 1739 a difference arose between the Council and Assembly upon one expression in the Estimate, viz the word "honourable" placed before the name of Mr Pinckney who was Speaker of the Assembly, and omitted before the name of Mr Hammerton who was Secretary of the Province and one of the Council. This merely secular beginning brought on very serious consequences. The Assembly began now to make a thorough examination into their parliamentary rights, & came to the strongest resolutions asserting their

exclusive

exclusive right to frame alter and amend Money Bills, founded on the rights of Englishmen and supported by arguments in a long Report. The Council also by Resolutions asserted an equal right founded on the Royal Instruction for that purpose. No business was done, the Tax Bill dropped, and their triennial Term expiring a new Assembly was convened. The Council and Assembly both renewed their Resolutions of right to frame Money Bills, but as we were on the eve of a war with Spain, it was considered that in case of a breach between the two Houses no supplies would be raised, which might be productive of consequences very dangerous to the safety of the Province, an expedient was agreed upon to carry on business with a salvo jure to their respective rights, by which the Council when any amendment appeared necessary, were to propose it on a separate schedule, and send it with the money Bill to the Assembly, where, if approved, the amendment was made. Business proceeded with great harmony under this salutary expedient, renewed in succeeding Assemblies. About the year 1745 the formality of renewal was omitted, but the utility of it continued

the

the practice, by tacit consent, to this time, tho' it has sometimes been interrupted, and the right contested, as accidents kindled jealousies, or particular advantages were expected from raising differences between the Houses, in which the Council after some struggle have yeilded the point and acquiesced, for the sake of Public Peace, and public credit. The Assembly, thus coming off victorious, soon felt their strength to consist in holding the purse strings of the people. In the year 1756. there was a very long struggle between the Council and Assembly. Charles Crokat Esqr who in 1749 had been by Act of Assembly appointed Agent (under which Act the correspondence was as usual carried on by a majority of a Committee of Council and a majority of a Committee of Assembly, & the Act being expired Mr Crokat by consent of all parties continued to be corresponded with as Agent) by letter signified that his private affairs were become incompatible with his duty as Agent & desired leave to resign. The Council thought it reasonable towards Mr Crokat, and just to the Province to accept of his Resignation, and did this with the more readiness, as Mr Pinckney, a member of Council, and

well

well acquainted with the interests of this Province, was then in London and would have discharged that duty with great advantage to this Province. But the Assembly, where Mr. Pinckney had some enemies, Mr. Crokat many friends, resolved that Mr. Crokat should continue Agent & corresponded with him separately, and in the next Tax Bill inserted an Article of £1400 Currency for his Salary. To this the Council objected, and after several fruitless expostulatory messages, rejected the Tax Bill; which was repeated, I think, thrice in that year 1756. The Council remaining thus firm, the Assembly made an appeal to the people, by printing a Report of their Committee upon this dispute, which had a tendency to excite the resentment of the people against the Council, charging them with being the cause of the decay of Public Credit, and whatever injuries were sustained by the poor Creditors of the Public. The Council then thought themselves under the necessity of waving the propriety of conduct, in submitting the matter first to the Royal view, and following the Assembly to the same Tribunal, and printed a report made by their Committee upon this

subject

subject. These Reports are very long and contain all the arguments that can be adduced on either side. Governor Lyttelton soon after arriving in June 1756, the Council, willing to smooth the way to his administration, dropped the dispute, and passed the Tax Bill, with the exceptionable £1400. And at that critical juncture it being thought prudent to keep the Assembly in good humour, in hopes of the better success in the Royal Requisitions for aid to carry on the war in America; And the subject being at this time almost exhausted, it has been seldom moved since. In October 1764, the Assembly having omitted to insert the arrears due to Governor Boone in the Estimate, some Messages passed between the Council & Assembly, the Tax Bill was rejected, but at the next Session was passed for the sake of public peace, without that Article. And Govr. Boone's arrears were not provided for till Lord Charles Montagu brought a requisition from the King to the Assembly to provide for them.

I have thus, my Lord, without loss of time, endeavoured to state the whole matter as it appears

appears to me from the most exact examination I have been able to make in so short a time, and amidst the interruption of other business that must be attended to. I humbly request your Lordship to believe, that however deficient my judgment or researches may prove, I have only truth in view, submitting the rest to the Royal Wisdom, without any design, by forced constructions, to aggravate matters, or a wish to excite the Royal displeasure, or disturb those streams of paternal goodness, which have often most graciously distributed protection and happiness to this Province, whose wellfare under the Royal auspices and commands, I am by duty bound, engaged by interest, and animated by affection to promote.

I have the honor to be with the greatest Respect,

My Lord,

Your Lordship's most obedient
& most humble Servant.
Wm Bull

To
The Right Honourable
The Earl of Hillsborough
His Majesty's Principal
Secretary of State for
America at Whitehall

Inclosures

(Inclosures.)

Commons House of Assembly's message to the Lieutenant Governor. 30th August. 1770.

Report of the Committee to whom his Majesty's Additional Instruction to His Honor the Lieut. Governor, and his honor's messages relative thereto, were referred.

Commons House of Assembly's message to the Lieutenant Governor. 5th September 1770.

Lieutenant Governor's message to the Commons House of Assembly. 31st August 1770.

Precedents extracted from the Journals of the Assembly of monies issued, (borrowed and to be replaced) first by resolutions, agreed to by the Assembly, sent to the Governor for his assent and to the Council for their concurrence, secondly, Of Orders in the Assembly for the Treasurer to advance money upon requisition of the Governor; And lastly, of Orders where there was no requisition; in which list of precedents it is thought needless to insert all that are in the Journals.

B. P. R. O. South Carolina B. T. Vol. 22. O. 117.

Charlestown Sept. 8th 1770.

My Lords,

By His Majesty's Packet Eagle Captn Nichols, I have the honor to transmit to your Lordships the half yearly return of the list of Grants from the 8th November to the 2d May last, according to his Majesty's Royal Instruction for that purpose; and shall transmit the Journals of the Council and Assembly by the next Packet.

I have the honor to be with the great respect

My Lords,

Your Lordship's most obedient

& most humble Servt

To Wm Bull.

The Right Honorable

The Lords Commissioners

for Trade & Plantations

at Whitehall.

Recd Novr 1 } 1770.
Read Do 7. }

B. P. R. O. A. & W. I. Vol. 226 C. 26.

Charlestown. Septr 13. 1770

My Lord,

As the Packet has been detained several days in Rebellion Road, by contrary winds, I take the liberty of inclosing to your Lordship one of our Gazettes which contains the proceedings of the Council as far as they relate to the present disputes between the Council & Assembly; which perhaps it may not be improper to be known to your Lordship.

I have the honor to be with the greatest respect

My Lord,

Your Lordships most obedient

& most humble Servt

Wm Bull.

To

The Right Honble

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall

R. 26. December (Inclosure.)

South Carolina and American General Gazette

Monday, September 3, to Monday September 10. 1770. Numb. 621.

B. P. R. O. A. & W. I. Vol. 226 No. 39

Whitehall. 3rd October 1770.

Lieut. Governor Bull,

Sir,

Your letters No. 30 & 31 have been received & laid before the King. You will always find me willing to give all due attention to such recommendations as you transmit to me & that I shall not fail to submit them to His Majesty: but I must observe to you that I do this in the full confidence that you think it your duty to recommend such Persons only to the King's favour, as are well qualified to serve His Majesty in the stations you recommend them for, and particularly such only as are attached to His Majesty's Person & Government, & are true friends to the Constitution. These qualities are more peculiarly necessary to the character of a Judge, & therefore I desire to be informed whether the Gentlemen you mention for the Offices of Associate Judges in your letter No. 30, are such as come under this description &

are

as free from factions connections & unconstitutional prejudices.

As I find by your letter No. 31, that the Assembly was to sit for the dispatch of business the 6th of last month, I shall hope soon to receive from you an account of what has passed on the subject of His Majesty's additional Instruction, inclosed in my letter to you No. 31, & I flatter myself that, upon more cool and deliberate consideration, the Assembly will have seen the error of their conduct in its true light, & will chearfully acquiesce in those provident Regulations which are proposed by that Instruction as the most constitutional method of preventing for the future an undue application of public money.

The character you give of the person appointed to the Office of Treasurer in the room of Mr. Motte leaves no room to doubt of his faithful execution of that important Office & His Majesty has the fullest confidence in your prudence & discretion in the execution of every trust which the Constitution of the Colony has placed in your hands.

The

The King having been pleased to extend His Royal mercy to Mathew Turner, convicted of the murder of William Harrop, and whose execution was respited by Lord Charles Greville Montagu, inclosed I send you an attested copy of His Majesty's Pardon to the said Mathew Turner. (the original of which has been transmitted to the Recorder of London as usual) that you may carry the same into execution according to the practice in cases of the like nature.

I am &c.

Hillsborough

B. P. R. O. South Carolina B. T. Vol. 23. P. 1.

Charlestown October 16th 1770.

My Lords,

I have the honor to transmit to your Lordships the Journals of the Common's House of Assembly from the 14th of August last to the 8th day of September, at which time I put an end to their sitting by prorogation; altho' the space is short, yet as it contains matters of weight now submitted to the Royal consideration, I thought it proper that the Journals should be in your Lordships hands, in case there should be occasion to refer to them.

I am to acquaint your Lordship that Henry Middleton Esquire hath resigned his seat at his Majesty's Council in this Province, and in obedience to his Majesty's seventh Instruction to Lord Charles Montagu, I transmit to your Lordships the names of Gabriel Manigault, John Savage and David Deas, Gentlemen of large Estates, undoubted loyalty, integrity and knowledge in the interest of this Province.

I

I have the honor to be with the greatest respect

My Lords,

Your Lordships most obedient

& most humble Servt.

To Wm. Bull.

The Right Honourable

the Lord Commissioners

for Trade & Plantations

at Whitehall.

Recd. Novr. 30 } 1770

Read Febry 6 } 1771.

B. P. R. O. A. & W. I. Vol. 226 No. 40

Whitehall Oct. 19th 1770

Lt Govr. Bull,

Sir,

Your Dispatches Nos. 32, 33 & 34 have been received & laid before the King.

The circumstances of David Pryce's case fully justify your suspension of the payment of the fine to which he became subject by the Sentence of the Court in which he was convicted, & the King is graciously pleased to consent to a remission of that fine as far as His Majesty's Interest is concerned.

The arrival of Spanish vessels in the Ports of Carolina in order to purchase Provisions for the distressed Inhabitants of Jucatan, is an event of a very new and extraordinary nature, & as the propriety of the steps which you have thought fit to take in consequence thereof is a matter that requires very serious consideration I am not able as yet to give you any opinion thereupon.

I am surprized that you could so far doubt

doubt of the meaning of any part of my letter No. 35 as to suppose for a moment that I could take upon myself to encourage a departure in any instance from the very positive & explicit directions contained in His Majesty's Additional Instruction of the 14. April, by which you are expressly forbid to give your assent to any Act for defraying expences incurred for services or purposes not arising in, or incident to the Colony.

If however there are any persons who are really innocent sufferers in the case of the remittance to the supporters of the Bill of Rights, I have no doubt that His Majesty would be graciously pleased to authorize you to recommend to the Assembly to make provision by a separate Special Bill for their indemnification, in case they should think fit to present an humble Petition to His Majesty for that purpose.

I am &c.

Hillsborough

B. P. R. O. A. & W. I. Vol. 226 C 25 No 36

Charlestown, October 20th 1770

My Lord.

By His Majesty's Packet Swallow, I was honoured with your Lordship's letter No 37. and beg leave to return the most humble thanks of the persons whose Pardon was therein signified, for the ready attention paid, by your Lordship to their unhappy cases, in so readily obtaining the Royal Mercy.

The Duplicates of my Dispatches No 35 were sent about a month ago, by a merchant ship, the Charming Sally Capt. Forten.

I take the liberty of inclosing one of our Gazettes, containing the proceedings of the Assembly relative to their disputes in last August. But I transmit by this Packet the Journals of the Assembly authenticated under the Great Seal of the Province, to the Right Honourable the Lords Commissioners for Trade & Plantations, in case a reference thereto may be thought necessary, when the late Resolutions now before His Majesty may be taken under consideration.

Our

Our public discontents still continue: The Subscribers to Non-importation, alarmed at the late infamous revolt (as they term it) in New York are taking large strides to enforce the rigid observing of their Resolutions, by threats of vengeance against the violators of the Association, which seems to indicate some apprehensions of a like change in this Town, which I am perswaded is the inclination of many; but the vigilance and industry of the leaders, whose impetuosity of behaviour and reproachful language deter the moderate the timid and the dependent, who feel their present embarrassed condition, for stepping forth in a body to assert their own opinion & wishes, and makes them sink down in acquiescence to the fashion of the times. The Associates further forbid any Subscriber from using the wharves of Non-Subscribers for shipping or landing goods or rice. This and their refusal to purchase any rice indico or other plantation produce from Non-Subscribers subjects the latter to great inconvenience, as they are thereby obliged to ship off their produce, which does not suit many, especially as freight is

is not always to be procured against such counteracting combinations. It is true many of the Subscribers must submit to fate while the rich leaders enjoy their Trade in state: but they suffer by their own act and comfort themselves with the pleasing delusion that their sufferings are to be the means of bringing the Parliament and People of Great Britain to comply with the claims of American immunities. On the other hand the Non-Subscribers suffer by Restrictions imposed contrary to their consent, but they bear with patience any losses, which are a test of their acknowledging & submitting to the sovereignity of the Parliament of Great Britain, and humbly hope the present state of things cannot continue much longer.

I have acquainted the Right Honourable the Lords of Trade and Plantations that Mr Middleton has resigned his seat in Council, and I have transmitted the names of three gentlemen, according to His Majesty's seventh Instruction to Lord Charles Montagu, but I take the liberty of informing your Lordship that it is very difficult to prevail on Gentlemen of

of Spirit and ability to accept of a seat at that Board, since the sudden suspension of Mr. Wragg in 1757 without any cause known here deserving such mark of disgrace, and the present overbearing spirit of democracy in Assemblies is an additional discouragement. And I have little reason to believe that either of the two first named or even the last in the list will accept; when Gentlemen are sounded on the matter they declare a dislike to it. Had I known any who would have accepted, whose characters would give weight and dignity to that Board, I would have mentioned such, as a real acquisition to the King's Service. But I hope a little time may get over this no small difficulty. If the King's Service should suffer by my wanting advice of Council, I must request your Lordship to consider that there are now only five Counsellors in this Province besides Mr. Stuart who is only an extra Counsellor; and I assure your Lordship I should have filled up the Council to the number seven according to His Majesty's eighth Instruction, if I could have done it

with

with men fitly qualified for that trust. I beg your Lordship's pardon for mentioning this matter with so much freedom; the delicacy of the subject restrains my enlarging upon it, but I thought it my duty briefly to represent what I conceive to be the chief reasons why the salutary and gracious intentions of his Majesty in his 7th & 8th Instructions are not carried into execution; and why a seat at that Honourable Board which formerly was sollicited is now declined. I have the honour to be with the greatest respect.

My Lord,

Your Lordship's most obedient

& most humble Servt

Wm Bull

To

The Right Honourable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall

R. 30th November.

(Inclosure)

The South Carolina and American General Gazette. September 24 to October 3. 1770. Numb. 624.

B. P. R. O. A. & W. I. Vol. 226. C. 22.

Treasury Chambers 25th Oct: 1770

Sir,

Upon reading a letter from William Bull Esquire, Lieutenant Governor of South Carolina, dated Charles Town 10th August 1770, acquainting my Lords, that (for the reasons stated in the said letter) he had suspended the payment of a Fine of Three hundred and fifty pounds currency, which one Daniel Price had incurred for killing a Negroe in a sudden passion, till His Majesty's pleasure thereupon should be known. My Lords Commissioners of His Majesty's Treasury in consideration of the circumstances of this case, approve thereof, and are pleased to direct a copy of the said letter to be transmitted to you for the Information of the Earl of Hillsborough, that my Lords consent to the remission of the said Fine: and desire, if his Lordship has no objection thereto, that he will take the King's pleasure for remitting the same accordingly.

I

I am,

Sir,

Your most humble Servant,

John Robinson

John Pownall Esqr.

B. P. R. O. South Carolina. B. T. Vol. 22. O. 119.
(6th November, 1770)

To the Right Honourable the Lords Commissioners for Trade and Plantations
May it please your Lordships.

In humble obedience to your Lordships Commands, signified to me by Mr Pownall. I have perused and taken into consideration Thirteen Acts of Assembly passed in his Majesty's Province of South Carolina in the years 1767. 1768 and 1769 Intitled —

"An Act for the more frequently holding "of the Court of General Sessions of the Peace, "Oyer and Terminer, Assize and General Gaol "Delivery, and to appoint and establish a new "list of Jury-men, and to authorize and Em-"power the Assistant Judges to take renuncia-"tions of Dower from Feme-Coverts."

"An Act for establishing a Parish in "Granville County by the name of Saint Luke, "and also for establishing a Parish in Craven "County by the name of All Saints, and for "erecting a Chapel of Ease in the Parish of "Prince Frederick."

An

"An Act for establishing a Parish in "Berkley County by the name of Saint Matthew, "and for declaring the Road therein mentioned "to be a publick Road."

"An Act for establishing a Parish in "Craven County by the name of Saint David, "and for appointing Commissioners for the "High Roads in the said Parish."

"An Act for regulating and ascertain-"ing the rates of wharfage of ships and mer-"chandize, and also for ascertaining the rates "of storage in Charles Town."

"An Act for Stamping and issuing the "sum of one hundred and six thousand and "five hundred pounds, being the amount of "the present lawful Paper Bills of Credit in "this Province, and for calling in and chang-"ing the Paper Bills of Credit now outstanding, "which are a Tender by Law in all payments."

"An Act to encourage the Discovery "and apprehending of house breakers, and Buyers "and Receivers of stolen goods."

"An Additional Act, to an Act for "the establishing, keeping and maintaining

a

"a Watch Company for preserving good Orders and "Regulations in Charles Town."

"An Ordinance appointing Commissioners for "repairing the Bridges over Wappoo Creek in the Parish "of Saint Andrew, and Coosawhatchie Creek, lying "between the Parishes of Prince William, and "Saint Luke."

"An Act for the preservation of Deer, and to "prevent the mischief arising from hunting at "unseasonable times."

"An Act for reviving and continuing an "Act, intitled, An Act to empower certain Commis"sioners therein mentioned to keep clean and "in good order the Streets in Charles Town, and "for establishing certain regulations in the said "Town, and for repealing the eighth and part "of the Seventeenth Clauses of An Act, commonly "called the General Duty Act."

"An Act for establishing a Ferry at the two "Sisters Bluff on Savannah River, and for laying "out, making and keeping in repair a Public Road "from the said Bluff to the main Road leading "from Cooswhatchee to Purisburgh."

"An Act for laying out and establishing a

"a Publick Street in Ansonburgh, and the parts "adjacent thereto by the name of Boundary "Street."

I am humbly of opinion that the Act, intitled "An Act for stamping and issuing "the sum of one hundred and six thousand "and five hundred pounds being the amount "of the present lawful Paper Bills of Credit in "this Province, and for calling in and chang-"ing the Paper Bills of Credit now outstanding, "which are a Tender by Law in all payments." is repugnant to the Laws of this Kingdom, and therefore as well as for other weighty reasons, unfit for his Majesty's Royal Approbation.

I do not meet with any objection in point of Law, to any of the other Acts enumerated, unless your Lordships should think it an objection to the "Act for establishing a Ferry at "the two Sisters Bluff on Savannah River, and "for laying out, making and keeping in repair "a Publick Road from the said Bluff, to the "main Road leading from Coosawatchee to Puris-"burgh." That the property of the owners of

Lands

Lands where the said Ferry is to be established and the Road therein mentioned made does not appear to be considered or provision made for the purchase of it, but this I conceive not to be a weighty objection inasmuch as I believe the Grants of Lands have excepted sufficient Publick Roads and ways.

All which is humbly submitted by

My Lords

Your Lordships most obedient
& most humble Servant,

6th November 1770.

R. Jackson.

B. P. R. O. A. & W. I. Vol. 226. No. 41

Whitehall, Novr. 15th 1770

Lieut. Govr. Bull.

Sir,

Since my letter to you of the 19th Octr. a Duplicate of which is inclosed. I have received and laid before the King your Dispatch No. 35.

The Resolutions of the Lower House of Assembly on the Committee's Report, respecting His Majesty's Additional Instruction of the 14th of April, appear to be as ill-founded as they are unbecoming. I am glad however that they have fallen upon a method of having their claim discussed in the fullest manner, and I shall think it my Duty to give every proper facility that depends upon me to the Agent in any Application he shall make upon this occasion. In the mean time, it is His Majesty's Pleasure, that you should strictly adhere to the directions you have received in respect to the exercise of your Negative in the passing of Money Bills.

I am &c.

Hillsborough.

B. P. R. O. A. & W. I. Vol. 226.

Whitehall 15th November 1770.

Lord Charles Greville Montagu

My Lord,

The King has been pleased in the present delicate situation of His Affairs, to direct me to signify to your Lordship His Majesty's Commands, that you do immediately repair to your Government; and I shall be very happy to find that this signification of His Majesty's Pleasure is in every respect agreeable to your Lordship.

I am &c.

Hillsborough

B. P. R. O. A. & W. I. Vol. 226. C. 21.

Bath Novr 17th 1770

My Lord,

This morning I receiv'd your Lordship's letter of the 15th inst:, and, in consequence of it, am ready to obey His Majesty's commands as soon as possible.

My health I find greatly better since my return, tho' it is still far from being establish'd

I have the honour to be,

My Lord,

Your Lordship's

Obedient humble Servt

C. G. Montagu

(Earl of Hillsborough)

B. P. R. O.   A & W. I.   Vol. 226

Whitehall, Novr. 21st 1770

Lord Chas. Greville Montagu

My Lord,

Your Lordship's letter to me of the 17th instant has been received and laid before the King.

His Majesty thinks that, in the present situation of Affairs in the Province of S. Carolina, it is of Importance that His Governor should be upon the spot, and therefore I am to desire that your Lordship will be pleased to acquaint me, for His Majesty's Information, how soon you will be ready to embark.

I am happy to find that your Lordship's health is so much benefited by the use of the Bath waters, and have the honor to be &c.

Hillsborough.

B. P. R. O. South Carolina B. T. Vol. 29. p 434

(21. November 1770)

To the King's most Excellent Majesty

May it please your Majesty

We have had under Our consideration an Act passed in your Majesty's Colony of South Carolina in August 1769, intituled "An Act for "stamping and issuing the sum of one hundred "and six thousand and five hundred pounds, "being the amount of the present lawfull Paper "Bills of Credit in this Province; and for calling "in and changing the Paper Bills of Credit, now "outstanding, which are a Tender by Law in all "payments." Whereupon We humbly beg leave to represent to your Majesty that this Act appears to us to contain many Clauses of an exceptionable nature, for which reason we humbly propose to your Majesty to signify your Royal disallowance thereof. Which is most humbly submitted

Hillsborough
Soame Jenyns
Wm Fitzherbert
Greville
W. Northey

Whitehall
Novr 21. 1770

B. P. R. O. South Carolina B. T. Vol. 29. p. 436.

(21. November 1770)

To the King's most Excellent Majesty.

May it please your Majesty,

We have had under our consideration an Act passed in your Majesty's Province of So Carolina in May 1767, intituled "An Act for estab-"lishing a Parish in Granville County by the "name of St Luke; & also for establishing a Parish "in Craven County by the name of All Saints, & "for erecting a Chapel of Ease in the Parish of St "Frederick" Whereupon we humbly beg leave to represent to your Majesty, that this Act augments the number of the Assembly, by authorizing the said Parishes to send each two Members, and is therefore liable to the same objection, as an Act passed in your Majesty's said Province in the year 1765, for establishing a Parish in Berkley County, by the name of Saint Matthew, which Act your Majesty was pleased to disallow; and therefore we humbly beg leave to propose, that this Act likewise should re-ceive your Majesty's Royal Disallowance

which

Which is most humbly submitted

Hillsborough
Soame Jenyns
Wm. Fitzherbert
Robt. Spencer
Greville
W. Northey

Whitehall
Novr. 21st 1770

B. P. R. O.   A. & W. I.   Vol. 227

Charlestown Novem.r 25th 1770.

My Lords,

I have the honour to inform your Lordships that, at a General Sessions of the Peace holden last October, Gilbert Campbell was found guilty of killing a Negro in a sudden passion whereby he has incurred the penalty of Three hundred and fifty pounds currency, equal to fifty pounds sterling, according to the 36th Clause in our Negro Act.

I beg leave to acquaint your Lordships that when the Judges reported to me the sentences of the Criminals of last Sessions, they in a very particular manner recommended the case of Campbell as a proper object of the Royal indulgence, for that by the Negro Act a person charged with this crime, where there is no positive proof is allowed to take an exculpatory oath, which this conscientious man refused, tho' all the Judges and every by-stander thought he might very safely and ought to have avail'd himself of; but the poor man said as

he

he was certainly in a passion when the unfort-
unate blow was given, he could not with a safe
conscience take the oath, and thereupon stood
self-condemned thro' a mistaken but uncommon
scruple. Upon this favourable circumstance
and his having always born the character of
an honest and orderly man I thought proper
to suspend the payment of the fine until his
Majesty's pleasure is known thereupon, and
submit the matter to your Lordship's consider-
ation and humanity.

I have the honor to be with the greatest respect,

My Lords,

Your Lordships most obedient
and most humble Servt

To Wm Bull

The Right Honourable
The Lords Commissioners
for executing the Office of
Lord High Treasurer for
Great Britain at Whitehall

Recd January 14th } 1771.
Read - 15th }

B. P. R. O. A & W. I. Vol. 227. D. 1. No. 37.

Charlestown, November 26th 1770

My Lord,

I am to acquaint your Lordship that at last October Sessions, Gilbert Campbell according to our Negro-Act, incurred the penalty of three hundred and fifty pounds currency for killing a Negro-Boy in a sudden heat of passion. Campbell was recommended to me by the Judges in very strong terms as a proper object of mercy. I accordingly suspended the payment of the fine until his Majesty's pleasure shall be known thereupon.

Tho' I am satisfied that your Lordships humanity can never be tired with recommending real objects of mercy to the Royal Favor, and that our most gracious Sovereign will be always happy in executing that God-like branch of the Royal Prerogative, I fear the frequency of my applications to the Throne for such purposes may make it necessary for me to declare, and I humbly entreat your Lordship to believe, that I have never presumed to trespass upon your Lordships humanity or the Royal Clemency but

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in favor of objects, who have in my opinion merited it, either by an expiatory suffering in Gaol, or by an innocence joined with misfortune. I therefore beg leave to open the evidence in the present case Campbell was guiding the plough to cut up the weeds between the rows of Indian Corn, while the Negro boy (deceased) led the Horse, but in turning at the end of the row, had by carelessness destroyed the Corn several times; Campbell to make him more careful had as often threatned the Boy; at last being provok'd by repeated neglect, he quits the Plough Tail, the Boy ran and stumbled, and he pursued and making a blow stumbled also upon the Boy, by which accident the blow was so unfortunately received, as to prove fatal to the Boy. By our Negro-Act where there is no positive proof in such cases, the party accused is allowed the benefit of an exculpatory oath, which the Judges repeatedly offered to Campbell from their being satisfied that he might safely take it; but the poor man overpowerd by the feelings of his heart for having been the death of a fellow creature, declared he could not with a

safe

safe conscience take the oath as he knew he was in a passion when the unfortunate blow was given, tho' the same conscience cleared him of all malicious Intention of even immoderate correction. Thus thro' his own scruples the man stands self-condemned, tho' acquitted by every body else. May I hope that your Lordship will add this man's case to those which your Lordship has been pleased so successfully to recommend to the Royal Clemency.

I have the honor to be with the greatest respect,

My Lord,

Your Lordship's most obedient
& most humble Servant

Wm Bull

To
The Right Honble
The Earl of Hillsborough
His Majesty's Principal
Secretary of State for
America at Whitehall.

R. 9 January 1771.

B. P. R. O. A. & W. I. Vol. 227. D. 2.

Charlestown Novem^r. 30th 1770.

My Lord,

In obedience to your Lordship's commands I have the honour to lay before your Lordship a Representation of the present state of Religion, Polity, Agriculture & Commerce of this Province, which is humbly submitted to your Lordship's candour & consideration.

South Carolina is divided into four Counties. Craven County, bounded on the South West by a North West line from the head of Sewee River till it intersects Santee River, and then proceeds up the Congaree and Saludy Rivers to their source, Berkeley County lies next, bounded to the South by a North West line from the head of Stono River, till it intersects Congaree River; Colleton County bounded by Combahee River and a North West line from thence to the Cherokee boundary; Granville County bounded South by Savannah River. This division is of little use but to limit the Jurisdiction of the Justices of Peace. The next division is into

seven

seven districts for the distribution of Justice One of Charlestown where the Supreme Court sits; the other six are for the Circuit Courts at Beaufort, Orangeburgh, Ninety Six, Cambden, Cheraws and George Town. The Province is subdivided into twenty two Parishes. On this division is founded the interior subordinate Government of the Province; as in each Parish the presentation of livings is in the Majority of Inhabitants professing the Church of England; the election of Members of Assembly; Granting licence to Innkeepers by Justices of the Parish; the care of the High Roads under a Board of Commissioners in each Parish; the poor rates assessed and collected by the Church Wardens and select Vestry annually chosen.

From hence it appears reasonable on religious and political considerations, that a number of eighteen or twenty Parishes, with Representatives to each in Assembly, be established in the Western parts (where the Country is very populous and still encreasing by new Northern Emigrants) so remote from the Church in the Parish, where by continuation of their extent, unbounded to the

Westward.

Westward, they lie: that tho' those Western Settlements in a legal acceptation are within a Parish, whose Church is situated not thirty miles from the sea, yet, being a hundred or a hundred and fifty miles from the Parish-Church, must be considered as extraparochial, being destitute of all the benefits, privileges and advantages of divine worship, election of members of Assembly, ministers, Vestrymen, maintaining their poor, High Roads and other business of less moment.

Altho', by our Charter, indulgence was granted to all tender consciences in religious matters, the Church of England is only established Church here; I mean whose clergy are maintain'd by Public expence. A certain salary is paid out of the Treasury to each minister who officiates in a Parish. The salary and surplice fees to each Rector in Charlestown amounts to near two hundred pounds sterling besides a good Parsonage House. There is an Assistant to each Rector in Town with a net Salary of two hundred pounds sterling but no fees or Parsonage. In each Country Parish there is a Glebe, and in most, a Parsonage House, with a net Salary of

of one hundred and ten pounds sterling, the Fees are inconsiderable; but if they behave with discretion their Parishoners frequently give them presents towards their Housekeeping. This method of paying Clergy appears preferable to the Tyths which cause so much vexation in England, and the indecent and precarious method of collection by the Church Wardens made in time of divine service in New England and New York.

It is worth observing that tho' we have benefices for twenty four Ministers, we seldom have above fifteen or sixteen at a time here, altho' there are in England many learned and worthy Clergymen who, with a family, pine life away upon the poor pittance of twenty or forty pounds per annum, when they might so happily change their condition with a small change of climate, altho' I must confess the necessaries of life are dearer here than in England, which in effect lessens the difference of income.

The right of presentation given by the Royal Charter to the Lords Proprietors, was by them given up to the People here, by ratifying our Church

Church Act passed in 1706 The Rector on his election is as fully seized of his living as any Rector in England. And as such settled Rectors have sometimes so misbehaved as to give great cause of scandal and offence to the Parish, and deserved to be, but could not be deprived ab officio et beneficio, as there is no competent Ecclesiastical Jurisdiction for such purpose here, the Rector continued to vex his flock as long as it pleased him. The People have therefore deter-mined latterly not to elect their Clergy but keep them only quam diu se bene gesserint, for I know no instance of any Clergyman wantonly dismis-sed: This proceeding is founded on a clause in the Church Act impowering the Church Wardens of a vacant Parish to agree with any Minister to officiate till a Rector is elected, and they draw on the Public Treasurer for his salary annually; whereas the Public Treasurer pays it of course to the settled Rector. The Bishop of London in whose Diocess America is held to be, former-ly had his Commissary in this Province for purposes of inspecting the behaviour of the Clergy; but we have had none here for these

fifteen

fifteen or twenty years; as the Commissary receives no benefit, persons to whom it has been offered refused to pay the fees which attend taking out such a Commission.

There is no such thing known, here as a lapse for want of presentation.

Ministers of regular dissenting congregations are supported by rates upon the Pews of their meeting Houses, and Interest of monies given by members thereof for such purposes; and in the settled parts of the Province they find a very conformable support.

Our toleration comprehends every denomination of Christians but the Roman Catholic, and these are subdivided ad infinitum in the back parts, as illiterate enthusiasm or wild imagination can misinterpret the Scripture. Indeed lately the overflowings of the Northern Colleges send apostles to enlighten the dark regions of our Western Settlements, where every circle of Christian knowledge grows fainter as more remov'd from the center. The orderly attention paid to such preachers, sufficiently shows how well disposed the People are to receive better instruction.

instruction.

I am informed that between the Congarees the Indian Boundary & Saludy river, where there are fourteen hundred fencible men, there are no less than six meeting houses built and ministers maintain'd by the poor Inhabitants besides the French Protestants at Hillsborough and the German Lutherans in Londonburgh & not on Church of England Congregation.

From the preceeding account we see the lamentable state of religion in the populous parts lying above seventy miles from the sea coast, which I humbly conceive deserves some attention from political views; for tho' I charitably hope every sect of Christians will find their way to the Kingdom of Heaven, yet I think the Church of England best adapted to the Kingdom of England.

The Legislature consists of the Governor, Council and Assembly, each vested with a negative voice. The Governor till about the year 1738 presided in Council when sitting in their Legislative capacity, but at that time the Governor to comply with the Royal Instruction directing that

that freedom of debate be allowed to the Council, and, as it was agreeable to the practice of the House of Lords, forbore to be present. The business was generally planned by Committees of Council and Assembly jointly, with great advantage & dispatch; difficulties in Bills were explained or removed in conferences. But since the Power of Assembly hath risen to its present height & the authority and dignity of the Council sunk in proportion, that beneficial intercourse has ceased, and I dont think there has been a conference these ten or fifteen years. The Assembly pretend to justify the slight regard shewn the Council, by their being a dependent body, removeable at pleasure, that they must obsequiously follow the dictates of an imperious Governor, or be immediately suspended; whereas if, say they, the Council were constituted like the House of Lords, Hereditary, or even for life, the Council might more safely be confided in. It must be confessed that this argument has some weight, and it is much to be wished that for the Kings Service and the public welfare, the Council were on a more respectable footing on this

the account. But this alteration is attended with its disadvantages. They might, by private interest, discontent or the allurement of popularity, be as much withdrawn from the guidance of reason and their own judgments and obstruct the public service, as by their present supposed dependance, with which they have been so often and so injuriously accused.

The assembly consists of forty eight members, Charlestown six, St Andrews three, St John's three, St George Dorchester two, Christ Church two, St Thomas two, St Stephen one, St James Goose Creek three, St Mathew one, all in Berkley County, St Paul three, St Bartholomew four, St John three in Colleton County; St Helena two, St Luke two, Prince William two, St Peter one in Granville County. Prince Frederick one, Prince George Winyaw two, St James Santee two, St David one, St Mark one in Craven County. All which, except St Mathew and St Mark, which are seventy miles from Town, are to be considered as maritime parishes, and there are above five thousand men, living westward thereof, beyond a moral possibility of being represented in assembly, while elections are

are made at the Parish Church, whereby the balance of Assembly will always lie among the maritime, against the interior members.

The Clerk of Assembly is appointed by Royal Sign manual.

Tho' the right of introducing Bills in the upper House is not denied, 'tis seldom exercised, and Bills generally arise in the Assembly. The Commons House suffer no money Bill to arise or be amended in the upper House, notwithstanding the Royal Instruction continued to every Governor from the year 1721 to the present time directing the Governor to allow an equal right therein to the Council. When the Bills are ready for assent, not only money Bills, but all bills are presented by the Speaker of the Assembly, to the Governor in General Assembly in the Council Chamber for his Assent, and after the Governor signs and seals each, the Speaker signs his name, an unnecessary custom giving no sanction, as the Governor's assent gives the full effect of a Law.

Instead of Prayers before they go upon business, they always read the Journals of the preceeding day.

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The members of Assembly disdain taking any pay for their attendance tho' the members of North Carolina and Virginia receive eight or nine shillings sterling a day.

Of our Courts of Justice the dernier resort is that of Governor and Council pursuant to the Royal Instruction to receive appeals in all cases exceeding Five hundred pounds sterling except in such as relate to the King's revenue. Application was made, six or seven years ago, to this Jurisdiction, but as it had never been exercised here, the Governor and Council were desirous to establish their first proceedings with circumspection, and sent to the Northern Provinces for Information, but received nothing satisfactory; the appellants dropped their suit and the Jurisdiction remains unexperienced.

The Royal Commission for holding Admiralty Sessions giving no Jurisdiction for trying murders, the criminals & Evidences must be sent to England. But the difficulty of sending the Criminals and the reluctance with which Evidences will go so far, and remain so long from their private affairs, will often be the

cause

cause that marine murderers will escape punish-
-ment. His Majesty's Colonies in America are
now so populous as to afford sufficient juries,
if the Stat: of Hen: 8 for Piracy were extended &
adapted to America.

× The Court of Chancery is constituted by Act
of Assembly in 1712, to consist of the Governor,
Keeper of the Great Seal and a majority of the
Council. All the various Offices of the English
Chancery are executed by the Secretary of the
Province in sealing, and the Master and Register
in Chancery in other matters. The difficulty of
assembling a sufficient number of the Council
to make a Court, and the Gentlemen of the
Council generally not being bred to the Law,
the benefit of relief in equity is not so easily
attain'd as could be wished. And when any
member happened to be of that profession his
practice withdrew him from the Board as an
assessor: But Mr Leigh the King's Attorney
General having lately declined acting either as
Solicitor or Counsel in Chancery, the Court took
the opportunity to make an order that no mem-
-ber of that Board should hereafter practice in
that

that Court as Solicitor or Counsel.

The Governor alone exercises the Ecclesiastical Jurisdiction of Ordinary for granting marriage Licences, Probate of Wills and granting administration of Intestates Estates. The Office of Register of this Court is always included in the Patent appointing the Secretary of the Province. There seems to be some defect in the constitution of this Court; for whenever a Governor may exceed the proper bounds of his Jurisdiction, it might occasion some doubts how the prohibition from the Common Law Courts in such cases could be enforced.

The Court of General Sessions of the Peace, Oyer, Terminer, Assize and General Gaol delivery, by our Jury Law passed in 1731 is vested with all the Powers of the King's Bench. The Judges are the Chief Justice of the Province and four Associates. The Grand and Petit Jury are all drawn by ballot. Counsel are allowed to defend the cause of criminals not only in matters of Law but generally. For tho' the Judges are considered as Counsel for the Prisoners, our Judges are not so skill'd in Law, as to do them full

full justice therein.

The only Officer in this Court is the Clerk of the Crown and Peace appointed by the King; but of small value. The expence of bringing criminals to Gaol is defrayed by the public if they have not wherewithal of their own.

The Court of Common Pleas is held before the same Judges and by our Law in 1736, is vested with the powers of the Common Bench in England. Juries are all drawn by ballot. The only Officer is the Clerk of the Pleas appointed by the Royal Sign manual. About the year 1734 Mr. Wright then Chief Justice claimed the right of appointing the Clerk as is done by the Chief Justice in England; but he was obliged to yield it to that power to whose fiat he owed his own existence as Chief Justice. The profits of this Office will be considerably lessened by the summary determination of causes under twenty pounds sterling, and the business which used to be done in Charlestown will not be done in six Circuit Courts. There are near thirty Lawyers who practice both as Attornies and Counsellors; about five or six carry the chief of the business,

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and several make from one thousand to twelve hundred pounds sterling per annum.

These are at present the only Courts for criminal and civil matters in the whole Province. But in a few months Justice will visit the remote parts in the six Circuit Courts; and when they in the course of a few years have civilized those Inhabitants, and made the Law more familiar to them, these benefits of distributing Justice near their homes may be further extended by County Courts, impowered to hold Petty Sessions, and take cognisance of small sums.

There is no Court of Exchequer here. An attempt was made in 1733/4 to erect one. A Chief Baron and other Officers were appointed, but an alarm being given thro' the Province, that the Powers of that Court, if once admitted, might be extended arbitrarily to the great oppression of the innocent subject, the attempt was eluded and defeated; for all the persons who were summoned to attend as Jurors refused, and by the terms of our Jury Law could not be compelled to serve. People in America

are

are very jealous of this Court, and I believe the only branch of its power that would readily be admitted, would be the ingrafting in one of our Courts a Power to find Office for the King upon escheats. As many Foreigners are settled in this Province, and die without Heirs here, their Lands often escheat, as well as sometimes of natural born subjects. Until such a Law can be obtained here, if the Instruction which restrains the Governor from disposing of escheated lands were relaxed, the Governor might be empowered to regrant Lands that in Law were escheated; For now there are several instances where Lands that were escheated have been surveyed as vacant lands and granted by surprize, the Governor not knowing any thing of the escheat; and the method of resuming lands where the King has been deceived in his Grant is said to be so very circuitous in our present want of Exchequer power, as to be next to impossible.

I make no mention of the Admiralty Court as our Provincial Laws have not attempted any regulations relating thereto.

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The lowest Judicial Power is vested in a Justice of Peace. By our Act for Trial of small and mean causes, which after long experience of its utility, was amended in 1747, one Justice of Peace determines all matters of damages not exceeding twenty pounds currency, equal to almost three pounds sterling.

There is a particular system of Laws adapted to the condition of Slaves called our Negro Act passed in 1740, calculated to punish offending and to protect abused Slaves. The Jurisdiction is lodged in two Justices and five Freeholders in Capital, and one Justice and three Freeholders in inferior cases. The expence of these Trials is defrayed by the Public, and in order to discourage men from screening their criminal Slaves from Justice, a certain sum equal to the value of a new Negro is allowed to the master where his slave is executed. The Royal humanity has often recommended to Governors that a white man who murders a Negro should be punished with death. It is so in all the English Colonies north of Maryland, where the number of Negroes is small. But in Maryland

Virginia

Virginia & all Southern Colonies and Islands, it has been thought dangerous to the public safety to put them on a footing of equality in that respect with their masters, as it might tempt Slaves to make resistance, and deter Masters and managers from inflicting punishment with an exemplary severity tho' ever so necessary.

By the happy temperament of Justice and mercy in our Negro Acts, and the general humanity of the Masters, the state of Slavery is as comfortable in this Province as such a state can be; not but there are monsters of cruelty sometimes appear, who are punished & abhorred. To the mildness of Law and prudent conduct of Masters and Patrols, I attribute our not having had any Insurrection since the year 1739, and that indeed took its rise from the wantonness, and not oppression of our Slaves, for too great a number had been very indiscreetly assembled and encamped together for several nights, to do a large work on the public road, with a slack inspection: But such indiscretion is now provided against by Law.

Upon considering how difficult it was to

procure

procure, and as difficult for every officer to hunt thro' our Laws, in order to learn his duty. I prevailed a few years ago on Mr. Simpson, late Chief Justice of Georgia, and then one of our Assistant Judges, to publish in one volume the paragraphs in our Provincial Laws, and the Common and Statute Law of England extended to America, and digest them under proper heads for the use of Justices, Church Wardens, High Road Commissioners and the like, tho' imperfect, has been of great use in the regular execution of their respective duties.

The defence of the Province as far as our own Power can avail, is provided for by our Militia against foreign, and Patrols against domestic enemies: And a magazine of Powder supplied by a Powder duty paid by merchant ships. By a large accession of emigrants from the Northern Provinces, invited by our mild winters and fertile soil, our Militia is now encreased to about Ten thousand men, divided into Ten Regiments unequal in numbers, but equal in want of discipline; besides one small nominal Regiment of Horse and a Volunteer Artillery Com-pany

pany of fifty men in Charlestown very expert in the use of cannon.

In the Country almost every Militia man marches on Horseback, of great use for expedition and to avoid fatigue. If early intelligence of the enemy could allow time for assembling a body, they might perform good service in a short campaign, as their fighting pro aris & focis would animate their natural ardour at first; but troops, whose obedience could not be enforced by rigid discipline, would soon be tired with a Camp life: when their first edge was worn out, their duty would be performed with remissness or reluctance, when the danger became familiar or formidable. In great danger the Militia is to be re-enforced with a number of Trusty Negroes (and we have many such) not exceeding one third of the Corps they are to join. To observe good order among the Slaves, one fourth of the Militia must be left at home, which furnishes a constant Patrol to keep all quiet there. In these times the Governor does not proclaim Martial Law, but publishes an alarm by the advice of

Council,

Council, which puts the whole Province under arms: And then the only Martial Law is the Militia Act. It is thought unlawful to march the Militia out of the Province. When the King's service requires such a measure, troops are taken into pay.

The interior quiet of the Province is provided for by small Patrols, drawn every two months from each company, who do duty by riding along the roads and among the Negro Houses in small districts in every Parish once a week, or as occasion requires. Tho' human prudence has provided those Salutary Laws, yet, thro' human frailty, they are neglected in these times of general tranquillity.

The approach to Charlestown from sea is defended by Fort Johnson, of a very unfit con-struction, and therefore neglected; it is mounted with a few nine pounders on the upperworks, and twenty cannon, twenty four, eighteen and twelve pounders as a Battery en barbette a fleur d'eau. But as ships can pass out of point blank shot, it cou'd give little annoyance to an Invader. There is a shoal midway be-

-tween

-tween Fort Johnson and the opposite shore, where, by laying stone ballast for two or three years, a foundation could be made for a Battery that might effectually co-operate with Fort Johnson. If the approach of the enemy could be retarded only one day, people might recover their consternation and prepare for defence, such as an open Town can make, with a few Batteries on the East side. In 1755 a resolution was formed to enclose the Town, and Mr Debraham, whose German credentials as Engineer, and specious draughts on paper, recommended him to be employed in planning and superintending the carrying into execution such work at ten pounds or twenty eight shillings and six pence sterling a day to himself. But after some time spent therein it appeared that this plan would continue him long in pay, and contribute little to the defence of the Town, he and his plan were laid aside, and nothing done but to keep up, by small repairs, such parts as just serve to stop the encroachment of the sea.

In 1759 by Colls Bouquets advice an Horn work

work was built to command the avenue into Town, from whence lines were to be extended cross the isthmus to inclose the Town on the Land side, covered at each end with two redoubts, but this tho' well designed remains unfinished. Soon after the Peace I dismounted all the cannon & housed the carriages, except a few left for Salutes on Public days.

It is undoubtedly the duty of prudent men to prepare in the best manner for their own defence, and this spirit ought to be encouraged. Tho' I will not doubt but that every Power will be exerted when necessary that can be expected from us, yet when I consider the extent of our Town and other circumstances, in my private opinion our security against any Royal Armament sent to invade us, must be derived from the King's protection, the vigilance of his Majesty's ministers to obtain early intelligence of, and the superiority of his fleet to defeat any such enterprize; tho' our Bar, not admitting ships of above thirty guns, is a favourable circumstance.

The civil order and quiet of the Town is provided

provided for by a Company of Town Watch, consisting of three Commission Officers, three Serjeants, three Corporals, three drums and ninety six Privates armed with muskets and cutlasses; and one third mount guard every night, to prevent disturbances among disorderly negroes, and more disorderly sailors. The number of dwelling Houses in Town taken this summer was one thousand two hundred and ninety two, and the white Inhabitants Five thousand and thirty; and the Black Five thousand eight hundred and thirty one, employed as Domestic Servants and Mechanics. Thus much for Charlestown.

The shallow Bar at Winyaw is the best and only defence for George Town.

But with regard to Port Royal Harbour I must be allowed to enlarge. In the year 1731 by direction from the Lords of the Admiralty, Capt. Gascoigne, in his Majesty's ship Scarborough, surveyed the Bar and Harbour with great accuracy, and found twenty one feet water at low tide, and the flood rising about seven feet. I have been informed by several Captns of his Majesty's ships that the Bar is wide enough to allow a

ship

ship to turn in or out against wind. A seventy gun-ship, may come over this Bar and run within a mile of Beaufort Town. About a mile and half below Beaufort stands Fort Lyttelton, mounted with fifteen cannon, twenty four, twelve and nine pounders, it is built with Tabby, a composition of oyster shells and lime, like soft stone. It has barracks for one hundred men, tho' the Provincial establishment is only one Gunner. A small Garrison here in time of war woud secure the Town of Beaufort from the insults of Privateers.

About the year 1747. Capt. Hamar, then stationed in a Forty gun-ship at Port Royal, had orders to make a careening wharf there for the use of his Majesty's ships, which he began on a creek about three miles below Fort Lyttelton. But the proprietors of the land demanding a higher price than what Lord Anson, then at the Admiralty Board, who had seen it formerly, thought it worth, and that an unfair advantage against the wants of the Crown was intended to be taken, that design was dropped. A careening wharf at this port appears to be very convenient for his Majesty's ships stationed at Virginia and South as far

far as the Florida's and the Bahama's, as also for the victualling or refitting any of his Majesty's ships cruizing in the gulphs of Mexico or Florida; and as from this station any squadron might easily intercept the French or Spanish ships passing from the Havannah thro' the Gulph of Florida; as likewise for any squadron that might be designed to cover the Southern Provinces against any invasion. Tho' the Bar of Port Royal lies seven or eight miles from shore, a Beacon on the land and Buoys on the Bar would obviate that difficulty. As we are thought to be on the eve of a war, I have taken the liberty of being the more copious on this subject; and if it should merit any attention, I shall very readily give any further information thereupon, and I beg leave to offer a piece of land of fifty acres at a quarter of a mile above Fort Lyttelton for that service, desiring no other recompence for it than my privat satisfaction at contributing a small convenience towards the public utility. A seventy gun-ship can lie very near the store at my Land.

Literature is but in its infancy here. We have not one good Grammar School, tho' foundations

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for several in our neighbouring parishes. All our Gentlemen, who have any thing of a learned education, have acquired it in England, and it is to be lamented they are not more numerous. The expence, the distance from parents, the danger to morals and health, are various objections against sending children to England. Tho' there are many Gentlemen well acquainted with such branches of knowledge as can be derived from the English language. We have a Provincial Free School, the Master and Usher whereof are paid by the Public, but their salaries being established in the early age of the Province are insufficient to engage and retain fit men. The Masters when tolerably well qualified have frequently quitted the laborious task of teaching boys, for the more easy office of preaching in some Country Parish. It is proposed by encreasing the Salary and building a convenient house for boarders to put the Master above the seduction of any Ecclesiastical benefice here, and to invite able men, perhaps Ushers from some of the great schools in England.

The Charlestown Library Society are incorporated

-porated by act of assembly and confirmed by the King. By a small annual contribution they are raising a fund for a Library, and in process of time hope to be able to all Salaries for proper Professors of Arts and Sciences. Their Library already consists of near two thousand volumes, a sum is allotted for en-larging it yearly and their capital is encreasing.

Of Arts and Sciences we have only such branches as serve the necessities, the conveniences and the comforts of man. The more refined such as serve to adorn or minister to the luxuries of life are as yet little known here. As I cannot charge it to a want of taste on one hand, neither will I attribute it to a superior degree of virtue on the other, but honest-ly impute it to a prudent economy, the necessary attendant on our moderate fortunes.

Our houses are plain but convenient, fur-niture and equipages suitable, some coaches, but chaises and Italian chairs innumerable.

There are Teachers of Mathematics, Arithmetic, Fencing, French, Drawing, Dancing, Music and Needlework, to fit men for the busy world, and

ladies

ladies for the domestic social duties of life.

Agriculture is in a very prosperous state. The wisdom of his Majesty's agrarian Instructions in granting Lands to every person who can cultivate them, and only in proportion to the ability to cultivate, and the mode observed in this Province of Taxing all Lands whether improved or not have been an happy means to prevent the engrossing large Tracts, which is very prejudicial to the spirit of agriculture, unless held by men of very large property and an equal share of public spirit; for by these regulations property is divided in many hands, and it will be always improved with more industry by the Freeholder than the under tenant, as the fruits of his labour are wholly his own; at the same time however it nurses a spirit of liberty independency and democracy.

The most important objects of our agriculture are Rice, Indico, Hemp, Flour and Tobacco, which are arrived to a certainty of success, Vines, Olives, Silk, madder are under very promising probation.

The introducing Rice hath proved a very fortunate

fortunate circumstance to this Province, as it is a grain which yields the most plentiful harvest when the ground is overflowed with water, as the experience of the Po and Ganges taught us. Many large swamps, otherwise useless, and affording inaccessible shelter for deserting slaves and wild beasts have been drained and cultivated, with such banks as to keep out torrents of water in planting season, and, by reservoirs, supply artificial rain when wanted; thus while a nuisance is removed, a great quantity of our best land has been acquired.

The crop of Rice is generally from one hundred and twenty, to one hundred & forty thousand barrels, sufficient with what Georgia produces for the present markets.

The amount of our Indico is about Five hundred thousand pounds weight a year. If the destruction made in the early planting by Grasshoppers or locusts could be prevented, a hundred and fifty thousand pounds more would be made with almost the same labour. The apprehension of lowering the value of these two, our principal staples, by too large quantities,

inclines

inclines as to introduce a variety of Staples to employ our encreasing hands on hemp, flour and tobacco. Hemp is considered as an inexhaustible article while the British are a trading people, and is encreasing every year, and as an article of export will be beneficial to navigation as its bulk will employ much Tonnage. By the Provincial Bounty paid last year there were four hundred, twenty one thousand, nine hundred and seventy seven pounds weight of hemp made. Notwithstanding the liberal parliamentary premium on it, very little is exported to England. According to the present fashion of the times homespun rigging is preferred to what is much better made in England; but this branch of home consumption will cease with our discontents, and the feelings of interest will at last open our eyes.

The Irish from Belfast have now raised Flax for their own wear, and barter the superfluous linen to supply their wants with their neighbours. They have woven this year above five thousand yards of good white linen. Flour is a growing article in our exportations above

four

four thousand barrels are now exported, when formerly we imported more. Proper Mills are now daily erected in the back parts as wheat encreases.

Tobacco, tho' a bulky commodity is planted from one hundred and fifty to two hundred miles from Charlestown, where the Emigrants from Virginia find the weed meliorate as they come South; and they cultivate it now with great spirit as they find the price profitable, notwithstanding the distance of carriage to market.

Madder, a dying root, grows very well here, and the present attempts give such encourage-ment, that I hope in a year or two, some parcels will be sent to England, not indeed so properly sorted at first for the market as what is im-ported from Holland, but I am perswaded that method will soon be known.

Silk is a very flattering article as it is of great value. It is raised here of the finest sort with great ease, and in great perfection. The only objection which occurs to me against its being carried to such a degree as will render it a considerable branch of commerce, is as singular

singular as it is true, viz. the great prosperity of our Province. If we turn our eyes to those Countries where it is made in abundance, Spain, the South of France, Italy, Turkey, China, there labour is very cheap; in our Province it is very dear. When a prudent man is about planning the work of his future harvest, he considers in what manner he can employ his labour to most advantage, and will decline every thing which may interfere with the grand resource of his revenues. Now the profits aris-ing by silk even if largely attempted, to a rich Planter will hold a very triffling proportion to what he can make in rice, indico or hemp, and tho' the care necessary in the management of silk takes up but a small part of the year, it will, for the reason mentioned, be attended to by the Gentleman only as an amusement for his own private use, and be wholly rejected by his managers, who like pack horses must trot in the beaten tract, which no distant, tho' beauti-ful prospect will invite them to quit. I therefore apprehend whatever is done in this article will be the work of the poorer sort, who have large

families

families of children, or such who will employ their young negroes, unfit for field labour, in gathering leaves of mulberry to feed the worms, and this must withdraw their inspection from other necessary business and be some loss. This is my real opinion, tho' I give all public encouragement towards making a fair trial of raising it, as a means of making money. And this opinion seems well founded by experience, for it was upon these principles that the French Protestants, who, upon the revocation of the Edict of Nantz, retiring into this Country, made and manufactured silk here for their own use, soon laid that aside when rice was introduced; as they with the profits of Rice could buy more silk than they could raise with equal labour. In some future period, I think it might be carried from among the Settlers near Hillsborough, who pursue it with zeal, among the Cherokee women who set no great value on their time.

Olives grow well in this Climate. I have had some of Lucca many years in my garden, and lately some from Provence. As the method of pickling them for table here is unknown, they have

have been neglected: But I hope they will be propagated soon, and when there is plenty of trees we may soon, by direction and experience, acquire the manner of pickling and making oil from them, which even if coarse, will be a valuable article for the woollen manufacture of England, with which it is now supplied from the Archipelego.

Vines are cultivated by several of the Germans settled on Broad river, and are easily propagated. I expect wine will be made by four or five persons there in two years time, which will encourage others. The like success is expected at N. Bourdeaux, where the vegetation in their rich soil was so vigorous as to produce several branches of Grapes, last summer, from Vines with roots that came last spring, from Lisbon. A little experience in the method of dressing them, and of fermenting the liquor will soon discover the kind of wine most suitable to our climate.

Our back settlers have lately planted large orchards of apples, from whence cyder, and peaches from whence a spirit is distill'd, be-
-sides

-sides plenty for their Hogs.

When the present extent of our Province is all taken up by planters, it will perhaps be thought proper to purchase all the lands from the Cherokee Boundary Westward to Keowee; which the Indians will be more willing to consent to, after a long term of tranquility, and vicinity to our settlements, than they might be inclined at present to do.

The number of Negroes returned in last Tax is Seventy five thousand one hundred and seventy eight. The quantity of Land is two millions, six hundred and seventy eight thousand, four hundred and fifty four acres; (altho' I am sensible several hundred thousand more have been granted, owned, perhaps chiefly, by non-residents) which must produce a considerable revenue to the King when duly collected; and one advantage resulting from the Circuit Courts may very probably be, the more regular collection of his majesty's rents, as the Courts will protect the Receiver-General's Deputies in the execution of their office, and some effectual method may be found out to make out the Royal Rent-Roll.

If

12

If by a Royal Instruction the Governor were permitted to appoint persons at the places where the Circuit Courts are to be held, to receive proofs of family rights to land, instead of coming to Charlestown, much time & money would be saved to the Petitioners, many of whom come one hundred and fifty or two hundred miles. This indulgence might be put on such a footing as to guard against impositions as effectually, at least, as at present before the Governor in Council, who cannot so well judge of the truth of their allegations as their neighbours.

Our Commerce keeps equal pace with our agriculture, in improvement, and extends to almost all parts of the World, consistent with the Acts of Navigation. I shall trouble your Lordship with only a brief account thereof; that we employ near five hundred sail of vessels to carry off the superfluous produce and import supplies for the wants of the Province. Tho' by the annual importation of three or four thousand negroes, the balance of Trade may lie against us, yet we cannot be considered in debt as the negroes remain part of our stock

and

and are the means of encreasing our riches.

Interest of money is at eight per cent; if it was lowered to six, there would be more adventurers in planting and commerce, & the country more enriched.

The Course of Exchange between England and Carolina has continued for above fifty years at seven hundred pounds currency for one hundred pounds sterling, only varying as imports or exports casually fall short or exceed; a proof that our emissions of paper money on any emergencies of state have been duly sunk, and that our public as well as private credit have been well supported.

As there is not a sufficiency of money, in either paper or gold and silver, to serve as a medium in Trade, our internal commerce is carried on by credit or barter, especially between the Backsettlers & Charlestown.

Charlestown receives a considerable share of the produce from the Western parts of North Carolina, as their most profitable market. The Settlers on the Branches and Waters of Savanna River send much of their produce to Savannah

in

in Georgia as most convenient tho' not most profitable to them.

Our Trade with the Creek and Chocktaw Indians naturally decreases as the merchants in Georgia, East and West Florida, become more able to supply them. The Trade of the Cherokees is not very beneficial. This nation commands the attention of Government more upon political than Commercial considerations, as they form a Barrier against powerful incursions of Indians on the Ohio and Ilinois Tribes, and as a counter-balance against the Creeks in case of a war with them. I cannot quit the Indians without mentioning an observation that has often raised my wonder. That in this Province, settled in 1670 (since the birth of many a man now alive) then swarming with Tribes of Indians, there remains now, except the few Catawba's, nothing of them but their names, within three hundred miles of our sea coast; no traces of their emigrating or incorporating into other nations, nor any accounting for their extinction by war or pestilence equal to the effect.

Experience

Experience teaches that manufactures never thrive but in Countries that are very populous, and where labour is consequently at a low price. For this reason attempts to establish them here can never succeed to any degree, where there is so much room to employ labour in agriculture & Trade with more profit.

The manners, morals and amusements, in an humbler degree, are much the same in this, as in the Mother Country. I shall only take notice of a turn which prevails more in this than any other Province, which is a gratuitous execution of many branches of Power under a desire of shewing a public spirit and easing the public expences. Our Assistant Judges hitherto received no emolument during the presence of the Chief Justice; nor do the various Commissioners for Fortifications, Public Buildings, Stamping Public Orders, High Roads, Pilotage, Streets, Markets and many others, receive any pay or profit thereby: But this laudable spirit is attended with its inconveniences, for when a man receives no compensation for his service, there is a tenderness and reluct-

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-ance shewn to call him to account for his neglect of duty, whereby the public often receives detriment.

Our Climate affords as pleasant a winter Country as any of the King's wide-extended dominions; tho' the genial warmth of the sun may, sometimes, be thought too powerful in summer, yet in winter we are often invigorated with purifying cold winds from the Cherokee Mountains, which recovers us from the languid habit acquired in the warm months of June, July, August and September: even these may be rendered tolerable with the indulgencies and conveniences used in Italy and Scicily, those Gardens of the antient world.

My desire of giving your Lordship a particular information of the most important matters relating to this Province, perhaps too much in detail, has betrayed me into a length which needs more pardon for the trespass I have made upon your Lordships patience, than I could expect, but from your Lordships candour and indulgence, and which shall now restrain my pen.

whatever

Whatever imperfections may appear in the present state of the Province, or defects in my representation thereof, I beg leave to assure your Lordship, upon the whole, that nature hath formed it an ample field for almost every improvement which human industry can effect, and renders it an object worthy of your Lordships patronage, in which may I presume to hope your Lordship will permit me to enjoy an humble share with my Country, and to be with the most zealous attention, and the greatest truth and respect.

My Lord,

Your Lordships most obedient

& most humble Servt.

To Wm. Bull

The Right Honourable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall.

R. 9th January 1771.

B. P. R. O. A & W. I. Vol. 227. D. 3. No. 38

Charlestown Decem.r 5th 1770.

My Lord,

The day after Capt. Alexander left Charlestown I was honoured with your Lordship's dispatches by the Sandwich Packet, being a duplicate of No. 37, and originals Nos. 38 & 39, with his Majesty's free pardon to Mathew Turner of which he had the immediate benefit.

I am now to answer your Lordships letter relative to the Associate Judges mentioned in my letter No. 30.

I have no reason to doubt of their attachment to the King's person and Government, but I cannot add that the three first are free from factious connections and unconstitutional prejudices. As Mr Murray is unexceptionable in his political qualifications, I shall leave him under your Lordship's protection, and beg leave to explain those of the other three.

Mr Pringle the senior, is a subscriber to the American Association and tho' age has cooled the small share of warmth which nature gave, he

he can assume little merit from not appearing so active as others since his discourses, countenancing unconstitutional prejudices, on the Bench, tho' spiritless, have not failed to make impressions on the Grand Juries and Audience, already disposed to receive them.

Tho' Mr Lowndes is useful in conducting the business of the Court, and tho' he refused to subscribe as being incompatible with his office, in case any matters relative thereto might come in judgment before him, yet he maintains those arguments which deny the supreme Legislative authority of Taxation in the Parliament of Great Britain over the British Colonies. It is further to be remembered that he and Mr Pringle were two of those Judges who, in 1766, made an attempt to carry on the business of the Courts of Justice, by ordering the Clerk to enter up judgment upon unstamped paper, during the existence of the Stamp Act, and that upon his refusal to obey, they applied to me and were backed by repeated applications of the Assembly to suspend him from his Office; all which I refused to comply with; I laid the whole matter

before

before the King, and had the happiness to find my behaviour approved of by his Majesty.

The two other Associates are dead, but Mr Pringle and Mr Lowndes have been continued on the bench ever since.

Mr Powell, is the next: He also is a subscriber and is strongly influenced by factious connections and unconstitutional prejudices, which he propagates with zeal, as well as his two brethren in his charges to the Grand Jury, instead of discouraging them.

Your Lordship will therefore wonder why I should name such persons for the Office of Associate Judges. It was not from any predilection to those Gentlemen, but a kind of necessity for want of choice. The difficulties which I mentioned in my letter No. 24 still subsisted. There were very few who were not contaminated with these prejudices, who were proper, and they averse to accept; and as these three persons had acted for some time, I thought they might be permitted to keep the Juridical wheels in motion, until fitter men could be sent from England, or be prevailed upon here, which there is more

probability

probability of, when supported by a Chief Justice of spirit, and knowledge how to support his own and their authority; as men of lay education feel great mortification and timidity from a sense of their being not well acquainted with their power & their duty.

I have been much distressed since I was honoured with your Lordship's letter No. 39, as it leaves me no hopes of seeing our Bench filled with Associate Judges bred to the Law, and as I find myself under the necessity of transmitting a new list free from those essential objections to which three of the list now before your Lordship are undoubtedly liable, for which reason I must beg permission to withdraw the names of Robert Pringle, Rawlins Lowndes and George Gabriel Powell. I beg leave to inform your Lordship that I have attentively run over the Gentlemen in Town whose characters would give dignity to the Office, to furnish a list in lieu of that withdrawn, in which secrecy and delicacy were necessary. Some have wholly declined, others object to the fatigue of the Circuits to which three hundred pounds is not

equivalent,

equivalent, to those who can indulge their ease and leisure at home, tho' it may be so to such as enjoy a robust constitution. I now present to your Lordship to be added to Mr Murray the names of Wellins Calcott, George Milligen and William Henry Drayton. Of the new list Wellins Calcott Esquire was bred to the Law; coming to America he brought with him a good character from a Clergyman in London well known here, which Mr Calcott's behaviour has confirmed. It is but lately I was informed of his merit and had appointed him a Justice of the Peace. He is well affected to the King's person and government and clear of unconstitutional prejudices. His age, forty two, assumes a becoming gravity, and his knowledge in the Law will give him importance on the Bench.

The next is George Milligen, well affected to the King's person and government and free from all unconstitutional prejudices. He has the honor of serving his Majesty at present as Surgeon to the Garrisons for his Majesty's forces in South Carolina at a small pay. As there are none of the King's troops now in this Province, the

duties

duties of Judge cannot interfere; and whenever it should so happen, if his Majesty is pleased to indulge Mr Milligen in continuing his Surgeoncy, the Governor of the Province at such time will undoubtedly take care that the King's Service shall not suffer. His education renders him as capable of acquiring knowledge as others not bred to the Law.

The last is William Henry Drayton Esquire who is attach'd to the King's person & Government, and free from unconstitutional prejudices. It is true he is young and not bred to the Law, but his liberal education enables him to acquire some knowledge thereof with a little application. As he has the honour of being known to your Lordship, and is so nearly related to me, I forbear further mention of him.

Your Lordship will permit me to assure you that I have always thought it my duty, and made it my rule to fill up every vacant office, with the most proper person I can find, tho' in our young country the most proper is not to be met with.

From your Lordship's usual attention to the

King's

King's service I may receive his majesty's commands time enough to issue Commissions to the new Judges, if matters should be ripe in this Province for going the circuit next April.

Now I am upon the subject of Political disqualifications in Judges it may not be improper to inform your Lordship that Mr Middleton who lately resigned his seat in Council, was the only Member thereof who had signed the Association, and to add that in all contests between the Council and Assembly, he was generally influenced by the popular arguments. And that William Burrows Esquire the master in Chancery is highly blameable for his factious connections and unconstitutional prejudices. Had he subscribed as yielding to the necessity of the times and sat silent I might have connived at it, but I am informed that he has been lately active in the tumults set in motion to terrify those who dared by actions to shake or disapprove the Articles or Acts of the Associators. If his majesty should be pleased to dismiss such an Officer from his service, and I might be allowed the liberty of recommending

recommending a proper person to fill the vacancy I would mention John Bremar Esquire as one qualified for it; he is bred to the Law, and has given very sincere proofs of his attachment to the King's person and government by refusing to subscribe, and for that reason received several rude insults; and by effects of the combination suffered in his profession of the Law. The Office is worth about one hundred and twenty pounds sterling per annum, tho' it depends upon the business of the Court being much or little.

Mr. Robert Raper with his Clerk William Hales, deserves admonition also for his behaviour. He is Deputy Naval Officer and his principal resides in England. He has been very active in fomenting the popular discontents and conforming to the resolutions, tho' he very judiciously and casuistically distinguishes between Robert Raper the Naval Officer, who does not subscribe, from Robert Raper Attorney to the Estate of Mr. Colleton who does subscribe.

Now I am upon this ungrateful subject, I will beg your Lordship's patience while I extend this long letter a little further to acquaint

your

your Lordship that the merchants in Town, many of whom have long felt the stagnation of their Trade and lament their empty stores, now resolve to disregard the Association agt. importation, declaring it folly in this Province to stand out alone, and many Planters are of the same sentiment, but several of them still suffer themselves to be deluded by a phantom of mistaken point of honor, and other Merchants powerful by influence and stores filled with goods are for continuing the resolutions. Mr. Miles Brewton has been an active supporter of the Resolutions, tho' he has suffered great and real loss, as he made great profit by his importation of Negroes, while John Edwards, Hawkins in company with James Laurens & John Ward all three charged with continuing secretly to supply their stores, are the chief in this interest, from private advantages, and are supported by the noise and violent acts of some inconsiderate young men, and the number of Mechanics. As to Mr. John Neufville the famous Chairman, he is rather a man of straw stuck up than a man of

of real consequence, who is pleased with the office as it flatters him with his own importance.

The first movers in the grand machine are Mr Thomas Lynch who, tho' a man of sense, is very obstinate in urging to extremity any opinion he has once adopted. Mr Christopher Gadsden is a violent enthusiast in the cause; he views every object of British moderation and measures with a suspicious and jaundiced eye, and maintains with great vehemence the most extravagant claims of American exemptions. And Mr John Mackenzie whose education at Cambridge ought to have inspired him with more dutiful sentiments of the Mother Country, & a more liberal interpretation of constitutional liberty, furnishes arguments that spurn at both. It would be an endless work to enumerate the Subalterns of this corps: But these are the most determined leaders, and are meer tribunes of the People. At public meetings whether in Taverns or under Liberty Tree, they direct the motions as they previously settle the matter.

A general meeting is summoned by these

men

men on the 13th inst. when they hope to form some Resolutions, still to show a spirit of opposition to Great Britain. I expect there will be some struggle between the influence of these tribunes and those who from the feelings of interest and dictates of reason dare to differ from them and assert their own freedom in acting in their affairs as formerly.

As the clouds of popular discontent begin now to disperse in some degree, several who have been injured threaten suits at law for damages as soon as a Chief Justice arrives, & those who have Estates to answer damages for such injuries begin to feel some apprehensions. As soon as the 13th of this month is past, I will transmit to your Lordship an account of the proceedings of that General Assembly.

I have the honor to be with the greatest Respect,

My Lord.

Your Lordships most obedient & most humble Servt

Wm Bull

To

The Right Honourable

The

The Earl of Hillsborough
His Majesty's Principal
Secretary of State for
America at Whitehall

R. 13 January 1771.

B. P. R. O. A. & W. I. Vol. 227. D. 5.

Bath Dec. 8th 1770.

My Lord,

When I had the honor of seeing you last in town, your Lordship inform'd me that I ought to apply to Sr Edward Hawke in regard to having a King's ship to carry me to my Government, which I have accordingly done, and this morning receiv'd an answer from him that he cou'd do nothing in regard to it, till his Majesty's pleasure was made known to him, by one of the Secretaries of State. I must therefore beg your Lordship wou'd mention it to the King, as I shall be ready to go, whenever the ship is.

I am,
My Lord,
Your Lordship's
most obedient Servt.
C. G. Montagu

R. 25 January 1771.

B. P. R. O. South Carolina B. T. Vol. 23. P. 2.

At the Court at St James's the 9th day of December 1770.

Present

The King's most Excellent Majesty in Council

Whereas there was this day read at the Board the humble Petition of Charles Garth Esquire Agent of His Majesty's Colony of South Carolina, setting forth, that the petitioner has received commands from the Commons House of Assembly of the said colony, to express their Grief and Concern under an apprehension of having incurred His Majesty's displeasure, manifested in a late Additional Instruction of the 14th of April last to their Governor, which they most humbly conceive would not have taken place had they known of the Representation transmitted in time to have been heard and to have vindicated the proceedings of the House before His Majesty's ministers, previous to the issuing of such Instruction, and therefore to implore His Majesty's reconsideration of the said Instruction; And humbly praying (for the reasons therein contained) that His Majesty will take

the

the premises into consideration, and be graciously pleased to withdraw the said Additional Instruction, which now puts a full stop to the payment of the Publick Debts and the necessary provision for the expences of Government, and that His Majesty will see cause to enjoin a communication for the future, of all such Representations as may be intended to be sent from His Majesty's Governors, relating to the proceedings of the House in order that it may be prepared to answer and to vindicate their Actions and Proceedings thereby to prevent censure and avert the Royal Displeasure. It is Ordered by His Majesty in Council that the said petition (a copy whereof is hereunto annexed) be, and it is hereby referred, to the Lords Commissioners for Trade and Plantations, to consider thereof, and Report their opinion thereupon to a Committee of the Lords of His Majesty's most Honourable Privy Council for Plantation Affairs.

W. Blair.

B. P. R. O. South Carolina B. T. Vol. 23. P. 2.
(Inclosure)

To the Kings most Excellent Majesty
The Humble Petition of Charles Garth Esq.r Agent of your Majesty's Colony of South Carolina.

Most humbly Sheweth,

That your Petitioner has received the Commands of the Commons House of Assembly in your Majesty's Province of South Carolina to express the Grief and Concern the House feels under an apprehension of having incurr'd your Royal Displeasure, manifested in a late additional Instruction of the 14th of April last to their Governor, which they most humbly conceive would not have taken place, had they known of the Representation transmitted in time to have been heard, and to have vindicated the Proceedings of the House before your Majesty's Ministers, previous to the issuing of such Instruction, and therefore to implore your Majesty's Reconsideration of the said Instruction.

The Commons House of Assembly as yet know not the nature of the Representation which has been

been made to your Majesty, the Lieutenant Governor looking upon himself as restrained from communicating to the House even such Representations, as he thinks fit to make to your Majesty's ministers of the Proceedings of the House; but as by the said Instruction it appears that the House has been represented to have lately assumed a Power, which it is said is become necessary to put a stop to, and therefore, among other directions, directing and requiring of the Governor that his asient be not given to any Money Bill in which there is not an express Provision that the money granted or any part thereof shall not be issued or applied to any other services than those to which it is by the said Bill appropriated unless by Act or Ordinance of General Assembly. Your Petitioner humbly entreats to submit to your Majesty that the Power which has been exercised must have been misapprehended, being far different from such Power as is implied in the Instruction: The Order of the House of the eighth of December last, followed by an immediate Resolution of providing for replacing the sum, is to all Intents and

Purposes

Purposes a Vote of Credit, by no means frustrating the intention of the Legislature by an alteration of the appropriation of any moneys granted for particular Services, is not a simple issue of any such money, but borrowing a sum of the Public; and there being commonly considerable sums in the Treasury which arise from surplusses of various Taxes and Duties, the Balances of the Funds are subject to disposal and appropriation, different from that directed in the particular Laws, whereby the whole may have been rais'd to make good to your Majesty certain specific Grants for specific Purposes, hence the Public Treasurer (in Fact a Debtor to) has been frequently considered and made a Creditor of the Public, upon occasions that will not admit of the delay attending the raising money by regular Legislation; and in the particular instance in Question, the Public Treasurer having advanced the money mentioned in the said Order and in pursuance thereof and of the Resolution to repay the same did in his Account charge it to the Public, making himself their creditor and not to any particular

Fund

Fund, whose name as a Creditor for that sum was in consequence inserted in the Schedule to the Tax Bill. From this state of the case it is submitted to your Majesty how far the Power which has been exercised by the House can be construed an issue or application of appropriated money, which the House has scarce in any instance attempted by its single authority; upon any other foundation, the Clauses and Provisions in the said Instruction relating to the appropriation of such money as shall be granted by the House, cannot be necessary, for every Law which gives and grants to your Majesty will necessarily and sufficiently secure the appropriation of the sum granted.

The Power of borrowing upon the Public faith and credit solemnly pledged by a Resolution to make good and repay the money borrowed, is indeed of a most important concern to the Province, instrumental in its exercise to avert danger, which at times may suddenly threaten the public safety, and on less momentous occasions to be salutarily exerted for the Public Benefit; so it is also a Power not, as

hath

hath been represented, lately assumed but exercised as an antient right, and supported by usage: Your Petitioner conceives he can point to many and various Instances of the exercise of this Power, as well with as without a Requisition, and for any purposes whether local or Provincial, or not, as the House as thought expedient for the Public Service: Instances occur in the Journals of the Proceedings of the Commons House of Assembly for years back, and having receiv'd the sanction of all or sundry of your Majesty's Governors for the time being, are in favour of a very different implication to that which has been represented to your Majesty from the exercise of the Power being either recent, dangerous or unwarrantable; these Instances your Petitioner conceives will when looked into and examined militate for a continued exercise thereof, abstracted from that Claim and Right which it receives from antient and modern usage, without any interposition hitherto on the part of your Majesty or your Royal Predecessors. Your Petitioner most humbly begs leave further to submit to

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consideration, the last Clause in the said Instruction, its operation retrospectively in the punishment of a Public Officer for an innocent act, antecedent to the issuing of the Instruction done in pursuance of the duty of office upon the Public Faith and Credit solemnly pledged, founded in usage and practice, and at the time unquestioned and uncontroverted: The Commons House of Assembly must subject the Public Treasurer to the Penalty of treble the sum borrowed and incapacity of Office or Trust; when in pursuance of their Order and subsequent Resolution he had become the Public Creditor. And with regard to its operation as a Provision in futuro, your Petitioner conceives many and innumerable evils might arise to the Province and to your Majesty's Service, should difficulties and impediments ever stand in the way of a public Vote of Credit: But upon this occasion your Petitioner must entreat permission of your Majesty to assert, that the Commons House of Assembly have ever deemed, and do deem it to be a first and essential privilege of the House to originate and prepare, without any dictate

dictate or direction soever, all Money Bills for the concurrence and assent of the Governor and Council.

Your Petitioner therefore most humbly prays, your Majesty to take the Premises into your Royal Consideration, humbly hoping that your Majesty will be graciously pleased to withdraw the said Additional Instruction, which now puts a full stop to the payment of the public Debts, and the necessary provision for the expences of Government: And that your Majesty will see cause to enjoin a communication for the future, of all such Representations as may be intended to be sent from your Majesty's Governors relating to the proceedings of the House in Order that it may be prepared to answer and to vindicate their Actions and Proceedings, thereby to prevent censure and avert the Royal Displeasure.

And your Petitioner will ever Pray &c. &c.

Chas. Garth

Piccadilly
Novr. 29. 1770.

B. P. R. O. South Carolina B. T. Vol. 23. P. 33.

At the Court at St James's
the 9th day of December 1770
Present
The King's most Excellent Majesty in Council

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of His Majesty's Province of South Carolina are authorized and empowered to make, constitute and ordain Laws Statutes & Ordinances for the public peace, welfare and good Government of the said Province, which Laws, Statutes and Ordinances are to be as near as conveniently may be agreable to the Laws & Statutes of this Kingdom, and are to be transmitted for His Majesty's Royal Approbation or Disallowance. And whereas in pursuance of the said Powers an Act was passed in the said Province in August 1769 which hath been transmitted intituled as follows vizt

An Act for Stamping and Issuing the sum of one hundred and six thousand and five hundred pounds, being the amount of the present

present lawful Paper Bills of Credit in this Province, and for calling in and exchanging the Paper Bills of Credit now outstanding, which are a Tender by Law, in all payments.

Which Act together with a Representation of the Lords Commissioners for Trade and Plantations thereupon, having been referred to the Consideration of a Committee of the Lords of His Majesty's most Honble Privy Council for Plantation Affairs; the said Lords of the Committee did this day Report as their opinion to His Majesty that the said Act ought to be disallowed. His Majesty taking the same into Consideration was pleased with the advice of His Privy Council to declare his Disallowance of the said Act, And pursuant to His Majesty's Royal Pleasure thereupon expressed, the said Act is hereby disallowed declared void and of none effect; Whereof the Governor or Commander in Chief of His Majesty's said Province of South Carolina for the time being, and all others whom it may concern are to take Notice and govern themselves accordingly.

Like

Like Order with the aforegoing was this day issued for disallowing An Act passed in South Carolina in May 1767, intituled as follows vizt

An Act for establishing a Parish in Granville County, by the Name of St. Luke; And also for establishing a Parish in Craven County by the Name of All Saints; And for erecting a Chapel of Ease in the Parish of St. Frederick.

Recd. Decr. 12 } 1772.
Read Do. 21 }

B. P. R. O. A. & W. I. Vol 226 No. 112.

Whitehall 11th December 1770.

Lieut. Govr. Bull.

Sir,

Your Dispatch No. 36, hath been received and laid before the King.

I am sorry to find that public discontents are still kept alive by the artifices of the Associators against Importation from Great Britain; but there are many circumstances in your account of their transactions which induce me to believe that those artifices will soon cease to have their effect.

The Agent having, in consequence of Instructions from his constituents, presented a petition to His Majesty in Council praying a Revocation of the Additional Instruction of the 14th April I shall avoid for the present making any observations upon their Resolutions and proceedings in respect to that Instruction, but I must not omit to acquaint you that the becoming manner in which the Council have exerted themselves in support of His Majesty's measures, has not escaped the King's

observation

observation & I am commanded to signify to you His Majesty's pleasure that you should express to them His Majesty's approbation of their conduct.

The King having thought fit in the present situation of His Province of South Carolina, to signify His Commands to Lord Charles Montagu that he should return without delay to his Govt: His Lordship proposes to embark soon after Christmas and will I hope carry out with him full Instructions upon such affairs of the Province as are now under consideration.

Inclosed I send you two Orders of His Majesty in Council on the 9th Instant disallowing two Acts passed in South Carolina, the one in May 1767 & the other in August 1769. and I am to signify to you His Majesty's Pleasure that these Orders be published in such manner as has been usual on the like occasions.

The objections which have been taken to the latter of these Laws will undoubtedly occur to you from the nature of the Law itself, and with regard to the former as it encreases the number of the Assembly by giving a new Parish a right of electing Representatives, it is liable to the same objection for which a former Law to the like effect was disallowed.

I am &c.

Hillsborough.

B. P. R. O. South Carolina B. T. Vol. 23 P. 7.

Charlestown Decem.r 13th 1770

My Lord.

This day according to my letter No. 38 there was a numerous meeting of Planters, merchants & mechanics. After long silence, each party acting on the reserve to receive the first attack, at last one of no note stept forth and moved that no further regard shou'd be had to the Resolutions; upon which a motion was made to consider whether there should be any alteration or no. The general voice was yea. Upon which Mr Lynch who came fifty miles to Town on purpose exerted all his eloquence and even the trope of Rhetorical Tears for the expiring liberties of his dear country, which the merchants would sell like any other merchandize. He was seconded by his two brethren who were for continuing the Association and proposed importing goods from Holland; but the struggle tho' strong proved ineffectual, and the only article now talked of as not proper to be imported is Tea, and next Monday all the goods that have been stored under the direction of the General Committee,

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as contrary to the non-importation Agreement are by the Committee to be delivered to the Proprietors. But I apprehend the Association will now be wholly at an end. Indeed some talk of a new plan of Association on principles of Sumptuary Laws equivalent to non-importation, tho' I do not suppose it will be of any consequence and probably is intended more to preserve an appearance of reluctance in dissolving the Resolutions, than with any expectation of succeeding. I thought it my duty to give your Lordship this information and I doubt not but when the minds of the people are a little cooled most of them will be ashamed of their having been concerned in the Association or in the rash and unreasonable means made use of to enforce the observance of them.

I have the honour to be with the greatest respect.

My Lord.

Your Lordships most obedient

& most humble Servt

Wm Bull

To

The Right Honourable

The Earl of Hillsborough

His Majesty's Principal Secretary

of State for America at Whitehall.

Read August 22d 1771.

B. P. R. O. South Carolina B. T. Vol. 23. P. 7.

Charlestown, Decem.r 15th 1770.

My Lord,

Dougal Campbell Esquire Clerk of the Court of Common Pleas had my leave to go to the Northern Provinces last summer for recovery of his health. On the 20th July being on his way to Quebec, by several unusual actions he had discovered some degree of insanity, and being arrived at Lake George, early next morning he went out, suffering no person to accompany him, to view the environs of that Post; but not returning in six hours, the Officer supposing he had lost himself, sent Mr. Campbell's Servant with a party to search but in vain, and next day extended their searches and diligence further around, likewise in vain. After several weeks no intelligence being received of Mr. Campbell, it was taken for granted he must be dead, and his friend took out Letters of Administration on his effects in New York. With these accounts from N. York came several vague reports that he was still alive in some Indian Town. But

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a few days ago the person who obtained Administration arrived here, and brings no further account of Mr Campbell; I therefore think myself sufficiently authorized to conclude him to be dead; I have taken the liberty of troubling your Lordship with these circumstances, as a reason why I delayed an appointment, for I thought it was rather indecent to be hasty in filling up a doubtful vacancy.

I am now to acquaint your Lordship that I have this day appointed James Johnston Esquire Clerk of the Common Pleas in the room of Mr Campbell, and beg leave to recommend him to your Lordship's favour as a person of Loyalty Integrity and free from unconstitutional prejudices, having resisted with firmness the flattering as well as minatory arguments to join in the association. I am perfectly satisfied of his abilities, as he has given sufficient proof thereof by having discharged the duties of the Office already with the general approbation of the whole Court, for some time during Mr Campbell's illness here, and during his absence from the Province for recovery of his health,

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the last and preceeding summers.

It may not be improper to inform your Lordship, that as soon as the Circuit Courts take effect, the business of this Office will be confined to the Charlestown District, and the Emoluments thereof be so much diminished by the regulations in the Circuit Court Act that Mr. Campbell the late Clerk was to receive a compensation of three hundred pounds sterling per annum for the loss he should sustain thereby, to commence with the Circuit Courts and continue only during Mr. Campbell's life.

I have the honor to be with the greatest respect

My Lord.

Your Lordship's most obedient

& most humble Servt.

Wm. Bull

To

The Right Honourable

The Earl of Hillsborough

His Majesty's Principal

Secretary of State for

America at Whitehall.

B. P. R. O. A. & W. I. Vol. 226

(Inclosure.)

London 18th December 1770

To The Right Honble the Lords Commissioners of the Admiralty

The Petition of the Merchants Trading to South Carolina and Georgia

Humbly Sheweth.

That the Produce of the Colonies of South Carolina and Georgia, being Rice, Indico, Deer Skins, and Naval Stores, are not only very valuable articles of Commerce, but are also of the greatest importance to the Trade and Manufactures of this Kingdom.

That the usual time of shipping those Commodities from South Carolina and Georgia, is from the month of January, to the month of May: the great consumption of Rice in Holland Germany and Flanders, being early in the year, and to which very great quantities are annually exported.

That if a war should immediately break out between this Kingdom & Spain your Petitioners will have the greatest reason to apprehend, that

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many of their most valuable homeward bound ships may fall into the hands of the enemy as they so unfortunately did in the late war, unless they are protected by Convoys from thence, and by cruizers stationed to the Westward, and that it will not be possible for them to get their property secured by Insurance without paying a Premium, that will be destructive and ruinous to their Trade.

Your Petitioners therefore most humbly pray, that your Lordships will be pleased to appoint a Convoy to bring home ships from those Provinces, and to sail from Charles Town by the twenty First of March next, by which means, the valuable Trade of those Colonies will be relieved from an unsupportable charge of Insurance and the great distress that would attend your Petitioners by being deprived of their Remittance through the captures of their ships happily arrested.

John Nutt	James Poyas	Jo. Nicholson
Saml. Carne	Geo: Curling	Newfville & Rollaston
Jas. Strachan	Greenwood & Higginson	Graham Clark & Co.
Alexr. Watson	Ogilvie & Michie	Bas. Cowper
Wm. Roberts & Co.	Thos. & Richd. Shubrick	Wm. Thomson

B. P. R. O. A. & W. I. Vol. 226. C. 27.

Admiralty Office, 24th Decr 1770

My Lord,

Having received a petition from the merchants trading to South Carolina & Georgia, setting forth the great value of their homeward bound Trade, and the apprehensions they are under, lest (in case of a rupture with Spain) great part thereof should fall into the hands of the enemy; and humbly praying that a convoy may be appointed for them, to sail from Charles Town by the 21st of March next; We send your Lordship herewith a copy of the said petition, which we desire you will please to lay before the King & signify to us His Majesty's pleasure thereupon. We are,

My Lord,
Your Lordship's
most humble Servants,
E. Hawke
Palmerston
F. Holburne

The Rt. Honble
Earl of Hillsborough

R. 26. December.